



Superfund Records Center

SITE: Wells 6 & HBREAK: 11.9OTHER: 464450

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

ANNE ANDERSON, for herself, and as parent and next friend of CHARLES ANDERSON, and as Administratrix of the estate of JAMES ANDERSON; CHRISTINE ANDERSON; RICHARD AUFIERO, for himself, and as parent and next friend of ERIC AUFIERO, and as Administrator of the estate of JARROD AUFIERO; LAUREN AUFIERO; DIANE AUFIERO, for herself, and as parent and next friend of JESSICA AUFIERO; ROBERT AUFIERO; KATHRYN GAMACHE, for herself, and as parent and next friend of AMY GAMACHE; TODD L. GAMACHE; ROLAND GAMACHE; PATRICIA KANE, for herself, and as parent and next friend of MARGARET KANE; KATHLEEN KANE; TIMOTHY KANE and KEVIN KANE, JR.; KEVIN KANE; DONNA L. ROBBINS, for herself, and as parent and next friend of KEVIN ROBBINS, and as Administratrix of the estate of CARL L. ROBBINS, III; MARY J. TOOMEY, for herself, and as next friend of MARY EILEEN TOOMEY, and as Administratrix of the estate of PATRICK TOOMEY; RICHARD J. TOOMEY; JOAN ZONA, for herself, and as Administratrix of the estate of MICHAEL ZONA; RONALD ZONA; ANN ZONA; JOHN ZONA; and PAT ZONA

vs

CRYOVAC, Division of W. R. GRACE & CO.; W. R. GRACE & CO.; JOHN J. RILEY COMPANY, Division of BEATRICE FOODS CO.; BEATRICE FOODS CO.; and XYZ Company(ies)

CIVIL ACTION

No. 82-1672-S

Deposition of PAUL SHALLINE, taken on behalf of the Plaintiffs, pursuant to the applicable provisions of the Federal Rules of Civil Procedure, before Valerie T. Wong, Notary Public within and for the Commonwealth of Massachusetts, at the offices of Schlichtmann, Conway & Crowley, 171 Milk Street, Boston, Massachusetts, commencing at 10:10 o'clock A.M. on Tuesday, March 5, 1985.

Appearances:

Jan Richard Schlichtmann, Esq.
Kevin P. Conway, Esq.
Schlichtmann, Conway & Crowley
171 Milk Street
Boston, Massachusetts
for the Plaintiffs.

William J. Cheeseman, Esq.
Foley, Hoag & Eliot
One Post Office Square
Boston, Massachusetts
for the Defendant W. R. Grace & Co.

Mark Stoler, Esq.
Industrial Chemicals Group
W. R. Grace & Co.
62 Whittemore Avenue
Cambridge, Massachusetts
for the Defendant W. R. Grace & Co.

Donald R. Frederico, Esq.
Hale & Dorr
Sixty State Street
Boston, Massachusetts
for the Defendant Beatrice Foods Co.

I N D E X

<u>Deposition of:</u>	<u>Direct</u>	<u>Cross</u>
Paul Shalline	4	--

EXHIBITS

<u>Number:</u>		<u>Page:</u>
1	Minutes, February, 1964.	69
2	Letter, September 30, 1964.	80
3	Letter, October 30, 1964.	86
4	Notice, November 17, 1964.	144
5	Letter, March 22, 1967.	172
6	Memo, May 20, 1974.	188

MR. FREDERICO: We have been reserving all objections, except as to form, and motions to strike to the time of trial.

MR. CHEESEMAN: I do want the witness to read and sign the transcript. We can waive filing.

MR. SCHLICHTMANN: Okay. That is fine.

PAUL SHALLINE,
a witness called by the Plaintiffs, first having been duly sworn, on oath deposes and says as follows:

Direct Examination

Q (By Mr. Schlichtmann) Would you state your name for the record?

A Paul Shalline, S-H-A-L-L-I-N-E.

Q What is your address?

A 13 Sylvan Way in Wayland, 01778.

Q Who do you presently work for?

A Cryovac, Division of W. R. Grace.

Q What is your position?

A Safety and Assembly Coordinator.

1
2 Q What is a Safety and Assembly Coordinator?

3 A Safety is administering the safety program at
4 the plant, and Assembly Coordinator is
5 supervising the assembly function of packaging
6 machinery.

7 Q What is the safety program at the plant? What
8 does that concern?

9 A It is an effort to reduce industrial accidents
10 by advising new employees as they're hired to
11 the safety practices; investigating accidents;
12 conducting monthly meetings with supervisors
13 and representatives from the different
14 departments; and handling any other
15 inspections at the state or OSHA or insurance
16 company level.

17 Q Is it also concerned with safety concerns
18 regarding the community posed by the
19 operation of the plant?

20 A Only in that I would be the fire chief if
21 there was a fire there; I would be
22 responsible for security and I -- and as far
23 as the community, I don't have any
24 relationship with them other than that way.

25 Q Is there anyone in the plant, to your

knowledge, who is responsible for safety concerns of the community regarding plant operations?

A (Pause).

Q Other than yourself.

A I would say none.

Q How long have you been working for Cryovac Division?

A They were formed about 1955. They were an offshoot of Dewey & Almy Chemical Company, who is --

Q Which company?

A Dewey & Almy.

I started with them in 1946. W. R. Grace bought them out about nine years later and formed Cryovac into a separate company. I have been with them ever since.

Q Would you spell the name of that company?

A C-R-Y-O-V-A-C.

Q I'm sorry; Dewey & Almy.

A D-E-W-E-Y and A-L-M-Y.

Q Would you --

MR. CHEESEMAN: May I interject? I am not sure by the time that was done that we

1
2 actually got on the record how long he had
3 been with Cryovac, which was the question.

4 MR. SCHLICHTMANN: I think we got a
5 history of Cryovac. I was going to come back
6 over it again.

7 Q Why don't we do this: Why don't you review
8 for us your education?

9 A I graduated from Somerville Trade School in
10 1943. I went in the Navy for three years, got
11 out in 1946. I went to work for Dewey & Almy
12 Chemical.

13 My only education would be some
14 night courses at Franklin Institute, the
15 university extension of M.I.T. and the Metal
16 Trade Association for supervisory type courses;
17 and that is about it.

18 Q Did you have any training in the Navy?

19 A I was a machinist, diesel mechanic,
20 machinist mate.

21 Q What did you learn in the Navy?

22 A I learned mostly diesel repair and maintenance,
23 mechanical, pumps, compressors, things of that
24 nature.

25 Q What was the position you began with at

Dewey & Almy?

A I was general factory help.

Q What kind of jobs did you have?

A They were entry level: mixing chemicals, packaging, weighing, things like that.

Q What kind of chemicals did you mix?

A They were -- The one I remember was soda lime, which was used in the metal fields. There was air and draining agents for concrete; I don't know what was in them. They also made weather balloons and rubber products, football platters, basketball platters. They made all compounds for tin cans.

Q How long did you work for Dewey & Almy?

A I would say nine years.

Q What were your positions that you held with Dewey & Almy?

A I was general factory help and I was a time keeper and engineer assistant.

Q What is an engineer assistant?

A I worked for a fellow in the engineering department that was in charge of the building and construction. I would assist him in the surveying of anything related to

the buildings at Cambridge.

Q What kind of duties did you have as his assistant?

A I would have to read the water meters every month. I would be responsible for the yearly recharge of fire extinguishers. I would review what they call shop orders or appropriations to follow up to see if they were overrun or if there was money left. I would do whatever he wanted me to do.

Q Did you have any engineering training at all during your time at Dewey & Almy other than on-the-job?

A I took blueprint reading and things of that nature at night.

Q Where did you take these courses?

A M.I.T., Franklin Institute or the Metal Trade Association.

Q What courses did you take at M.I.T.?

A I took some courses in traffic, house construction, blueprint reading.

Did I say traffic?

Q Yes.

A I would say that is about it.

Q During what period of time did you attend those courses?

A They were evening courses. I think they were two hours a night. I may have gone for two or three months.

Q Do you remember what years?

A I would say in the late '40s.

Q You mentioned the Franklin Institute. What courses did you take at the Franklin Institute?

A I took some basic algebra, math courses, blueprint reading and engineering drafting.

Q Do you remember the period of time you took those courses?

A That would be the early '50s.

Q You mentioned the Medical Fabric Workers Association?

A Metal Fabricating.

Q What courses did you take with the Metal Fabricating Association?

A It was the Metal Trade Association. I believe it is probably the American Association of Industrial Management now.

The courses I took there were

supervisory, human relations. They were things that would help me in my job.

Q Could you be more specific as to what courses you took with them?

A Basic human relations, some production control, general supervision; those are the ones that I can remember. There were more.

Q I'm sorry?

A There were more.

Q There were more?

A I took probably ten.

Q Ten courses?

A I can't remember them.

Q Do you remember the areas?

A I would say it was all related to my work.

Q Your work at Dewey & Almy?

A Cryovac.

Q Well, when you say related to your work, what aspect of your work?

A Supervisory.

Q To be more specific, when you say supervisory, you mean supervising personnel?

A Yes.

Q And supervising personnel over what type of

activities?

A The assembly function was where I spent most of my time.

Q Anything other than assembly functions?

MR. CHEESEMAN: You're asking him now what work he was performing at Dewey & Almy?

MR. SCHLICHTMANN: I am restricting it to the Metal Trade Association and the courses he took there.

Q Let me ask you this: When did you become a member of the Metal Trade Association?

A The company joined, let't say, around the early '50s. I never belonged, but the company had a membership.

Q As part of their membership you went to certain courses or seminars they held?

A Yes.

Q You started to go to those from the early '50s; is that true?

A I would say to the best of my knowledge.

Q Are you still a member of the Metal Trade Association?

A The company is.

Q When you say the company, you mean Cryovac?

1
2 A Yes.

3 Q Now, from time to time during that period they
4 would hold seminars and courses; is that
5 right?

6 A That is right.

7 Q Can you tell me to the best of your knowledge
8 what seminars and courses you went to?

9 A Not other than the ones I mentioned.

10 Q You talked about production control?

11 A Yes.

12 Q And supervision over personnel?

13 A Right.

14 Q Could you detail as best you can what
15 supervisory function over personnel courses
16 or seminars were concerned with?

17 A I think dealing with people. As I remember,
18 it was to -- it was how to handle people.

19 Q Did any of the courses or seminars have to
20 deal with waste disposal or the use of
21 chemicals?

22 A Not in those days.

23 Q When you say not in those days, has there
24 been a change?

25 A Well, there was a course or seminar on the

Right-to-Know law recently.

Q Is that the first time you recall going to a seminar or course sponsored by the Metal Trade Association in which there was a discussion of waste disposal or use of chemicals?

MR. CHEESEMAN: I would just note you're assuming that Right-to-Know course was given by the Metal Trade Association. I am not sure he said that.

Q I think I was just interested in the Metal Trade Association. You mentioned you went to a seminar about Right-to-Know?

A It was not -- It didn't cover -- They presented the training and they were trying to sell us the training that goes along with the Right-to-Know.

Q Does the Metal Trade Association --

A It is now the American Association of Industrial Management.

Q Do you remember when it became the American Association of Industrial Management?

A No.

Q In reference to a question, you talked about

1
2 a seminar you attended about Right-to-Know
3 sponsored by the American Association of
4 Industrial Management, which used to be the
5 Metal Trade Association?

6 A Right.

7 Q My question is: Do you recall ever going to
8 a seminar or course sponsored by that
9 organization which concerned waste disposal
10 or the use of chemicals other than this
11 Right-to-Know seminar that you recently
12 attended?

13 A I can't remember going to one.

14 Q Are you a member of the Association of
15 Industrial Managers?

16 A No.

17 Q Other than courses sponsored by the Metal
18 Trade Association, which later became the
19 American Association of Industrial Management,
20 and the courses you took at Franklin
21 Institute, the courses you took at M.I.T.,
22 have you taken any other courses or attended
23 any other seminars sponsored by any other
24 organization?

25 A I have attended seminars that Cryovac had

presented.

Q Other than Cryovac, have you attended any other seminars?

A I don't believe so.

Q The seminars sponsored by Cryovac, what were those?

A I had Advanced Management Program, other supervisory programs, energy conservation programs, safety programs.

Q All of these seminars that you just listed were sponsored by Cryovac?

A That is right.

Q Do you recall attending any other seminars sponsored by any other association other than the ones you listed for Cryovac?

MR. CHEESEMAN: Other than the ones he testified to?

MR. SCHLICHTMANN: Other than the ones he testified to.

Q I am talking about any time during your professional career.

A I would say that was it.

Q These seminars sponsored by Cryovac, during what period of time were these seminars

sponsored?

A (Pause).

Q Throughout the time you were with Cryovac?

A Right.

Q Tell me about this program. Is it an on-going program? Could you describe the seminars sponsored by Cryovac, when they took place, where they were held?

A Most of them were held in South Carolina at our headquarters. They usually lasted two and half days. I haven't been to one in a couple of years. They would have them probably every two or three years, depending on the need.

Q Now, you mentioned -- You said the seminars are held in South Carolina at the headquarters. Would the headquarters be of Cryovac or W. R. Grace?

A Cryovac Division.

Q Cryovac Division in South Carolina?

A Yes.

Q Where are the headquarters?

A Duncan, D-U-N-C-A-N.

Q Now, Cryovac is owned by W. R. Grace, to your

knowledge?

MR. CHEESEMAN: I think it is a
division of W. R. Grace.

A A division of.

Q What type of activities is the Cryovac
Division concerned with?

A You mean just Woburn?

Q Cryovac Division.

A Cryovac Division is in the packaging business
of many products: food products, games, toys,
things that are used in shrinkable film.
Our other plants make the bags and film that
are used by the meat packers, the people that
produce games and records, things of that
nature. We make the machinery in Woburn that
utilizes this plastic film.

Q What is this film, exactly?

A It is a chemical compound -- chemical
composition of something that I don't know.

Q Is it a plastic film?

A Yes.

Q So the Woburn plant of the Cryovac Division
makes equipment which utilizes this film?

A That is right.

Q They have always done that throughout the time you have been associated with them?

A Yes.

Q Now, you worked for Dewey & Almy. Your next job was with Cryovac?

A Yes.

Q With what plant of the Cryovac Division?

A We were still in Cambridge.

Q What was the Cambridge office concerned with?

A They had a sales office and we had a very small assembly function.

Q What year did you come to work for Cryovac Division?

A I would guess 1960.

Q You came to --

A I would say 1956.

Q What was the position you held, your initial position?

A I think I was doing inspecting work.

Q Inspecting?

A Yes.

Q Was your title inspector?

A I don't know if I had a title in those days.

My function was to do some checking.

1
2 A We relocated from Cambridge to another part of
3 Cambridge.

4 Q Where did you relocate to?

5 A Central Square.

6 Q What were your duties at the Central Square
7 office?

8 A I think I was shipping supervisor.

9 Q What year was that, approximately?

10 A Must have been in the '50s or '60s.

11 Q Late '50s?

12 A I think so.

13 Q What were your duties at the Central Square
14 office?

15 A That was to ship all the replacement parts
16 and finished machinery to the customers.

17 Q Was that all your duties at that time?

18 A I believe so.

19 Q When did your job change?

20 A I think I was still there when I took over
21 the assembly department.

22 Q When you say you took over the assembly
23 department, what were your duties when you
24 took over the assembly department?

25 A That would be seeing the parts were

1
2 Q What were your duties? Could you describe them
3 as best you can?

4 A In those days we used a metal clip that would
5 seal the ends of the bags after it had been
6 vacuumized. The tolerance of the clips are
7 held to the thousandths. I had a gauge and
8 I would have to take random samples of these
9 clips that were inventoried to be sure that
10 they were within tolerances.

11 Q Did you have any other duties other than that?

12 A It expanded into assembly work over there.

13 Q How long were you an inspector?

14 A Maybe two years.

15 Q Somewhere around the '50s your duties
16 expanded?

17 A Took in assembly work.

18 Q What were your duties as an assembly worker?

19 A It was to schedule the work and see that it
20 was done in the order that they wanted it
21 done.

22 Q Did you have any other duties at that time?

23 A I think that was pretty much it.

24 Q Now, did your duties expand at some point or
25 did your job change from assembly worker?

1
2 assembled into finished machines.

3 Q Any other duties other than that?

4 A I don't believe so.

5 Q In that particular function were chemicals
6 used?

7 A I would say not.

8 Q Did your job change at some point after you
9 took over the assembly department?

10 A I think it stayed the same.

11 We moved to Woburn in 1960 and I had
12 the assembly function there, as well as the
13 maintenance facility.

14 Q Now, in 1960, Cryovac's office was moved from
15 Central Square to its present location in
16 Woburn off of Washington Street?

17 A Washington Street.

18 Q Your job changed during that move?

19 A I had added responsibilities.

20 Q You had added responsibilities?

21 A Yes.

22 Q What were your added responsibilities? What
23 kind of things were you responsible for?

24 A To the maintenance of the building and the
25 grounds.

1

2

Q You say maintenance?

3

A And equipment.

4

Q What exactly was your responsibility regarding maintenance?

5

6

A It would be cutting grass, snow removal, putting in receptacles or moving equipment, whatever else had to be done.

7

8

9

Q That was in 1960. Did your job change or were you given added responsibilities after 1960?

10

11

A I would say around 1965 I was general shop foreman.

12

13

Q What is general shop foreman?

14

A That would be supervising the foremen and the three production departments that we had.

15

16

Q When you say supervising them, what were you responsible for in supervising them?

17

18

A Their work and their people.

19

Q What did their work entail?

20

A Manufacturing parts that production control wanted in order to make the finished machines.

21

22

23

Q How long did you hold the general shop foreman position?

24

25

A I would say 15 years.

1

2

Q Until 1980?

3

A I believe '79.

4

Q What happened in 1979? Did your job change in '79?

5

6

A It did.

7

Q What did it change to?

8

A My title was Materials Manager.

9

Q What did those responsibilities include?

10

A I was to be responsible for the purchasing department and those functions.

11

12

Q Purchasing department?

13

A Uh-huh.

14

Q What would the purchasing department be responsible for?

15

16

A The procurement of everything that we had to use.

17

18

Q So in 1979, you became the Materials Manager and your responsibilities were to purchase whatever materials that --

19

20

21

A Raw materials.

22

Q -- the Cryovac plant in Woburn needed?

23

A Right.

24

Q Is that your present position?

25

A No.

Q When did it change from Materials Manager?

A November of last year.

Q What was it changed to at -- November of 1984?

A That's right.

Q What was it changed to?

A Safety and Assembly Supervisor.

Q That is your present position?

A Right.

Q And you explained your duties earlier in the deposition?

A That is right.

Q Reduce industrial accidents, conduct monthly meetings?

A Yes.

Q Concerning plant safety?

A That is right.

Q Now, could you describe the organization of the Cryovac Division at the Woburn plant, what was its administrative organization as of 1960?

MR. CHEESEMAN: You're talking about management structure?

MR. SCHLICHTMANN: Yes. That is a better way of putting it.

MR. CHEESEMAN: As of what time?

MR. SCHLICHTMANN: Why don't I

rephrase the question.

Q What was your knowledge of the management structure of the Woburn plant of the Cryovac Division in 1960?

A We would have a plant manager and a controller, a manufacturing engineering department. We had a production control department. We had a customer service department, a personnel department. We had the machine shop department. We had a sheet metal department. We had the assembly department. We had the shipping department. We had the inspection department. I believe at that time we had someone who did work on the brochures, a maintenance manual that went along with the equipment.

Q Of those departments, you were involved with the assembly department?

A That is right.

Q In 1960?

A Yes.

Q Did the Woburn plant have any committees that you're aware of?

MR. CHEESEMAN: 1960?

MR. SCHLICHTMANN: Yes.

A I can't think of any other than the Safety Committee.

Q When was the Safety Committee established at the Woburn plant?

A I would say when we moved there.

Q Were you involved with a safety committee prior to 1960 in any of your duties or responsibilities with Cryovac?

A I can't remember that I was.

Q So for the first time you became a member of the Safety Committee. This is the first time you became a member of the Safety Committee in any operation of Cryovac, in 1960 at the Woburn plant?

A I believe so.

Q Now, what were your duties and responsibilities as a member of the Safety Committee?

A At that time I was responsible, I believe, to see that the suggestions were acted upon.

Q What type of suggestions?

A The departmental representatives would make a suggestion about hose reel, for example,

1
2 retractable hose reel, rather than a hose line
3 on the floor because someone might trip over
4 it. Well, I would look into that and see how
5 many feet we needed, what size, and I would
6 order it and have it installed.

7 Q Now, who was on the Safety Committee as of
8 1960? I don't mean people; I am talking about
9 the positions, who comprised the Safety
10 Committee.

11 A It rotated every two months. A departmental
12 representative would be there, which was an
13 hourly worker, and he would represent his
14 department and serve for two months. The
15 supervisor of that department would normally
16 be there. I would be there. I think at that
17 time there was a member of the personnel
18 department or -- I don't know what his
19 department was called.

20 Q Any other people on that committee other than
21 what you just described?

22 A I would say not.

23 Q Let me see if I understand you. As of 1960,
24 the organization of the Safety Committee
25 would include a worker from a department who

would be rotated every two months?

A Right.

Q It would be a worker related to that department?

A That is right.

Q And there would be the supervisor of that particular department of the worker?

A That is right.

Q There would be the head of the personnel department?

A That is right.

Q And yourself?

A Right.

Q You were a permanent member of the committee?

A Yes.

Q The personnel member was a permanent member of the committee?

A Yes.

Q The two rotating members would be the department worker, who rotated every two months, and the supervisor of that particular department?

A The supervisor would be a permanent member as well.

Q The supervisor of what particular department

1
2 or all departments?

3 A Of each one.

4 There was really three departments
5 that were represented at the meetings.

6 Q What were those three departments?

7 A Machine shop, sheet metal and assembly
8 department.

9 Q So on the Safety Committee, just so I under-
10 stand you, there would be yourself as a
11 permanent member?

12 A Right.

13 Q And you were in charge of the assembly depart-
14 ment?

15 A The organization I gave here was when I was a
16 general foreman. I can't be sure, but I would
17 say before that I would represent the
18 assembly department.

19 Q Beginning in 1960, you represented the
20 assembly department on the Safety Committee?

21 A Yes.

22 Q You began your work on the Safety Committee
23 as soon as the Cryovac Division was moved to
24 the Woburn site?

25 A I believe that is true.

1

2

Q Also on that committee would be three supervisors from the other departments?

3

4

A At that time there would be two others and myself.

5

6

Q What were those two departments?

7

A Machine shop and sheet metal.

8

Q And there would be a departmental worker from one of the departments which would be rotated?

10

11

A Each department.

12

Q Okay. There would be a worker from each department?

13

14

A Yes.

15

Q At least two workers?

16

A Supervisor and one worker.

17

Q At some point they added another department to the Safety Committee?

18

19

A That is right.

20

Q That is approximately when, if you have an idea?

21

22

A I would say approximately '65.

23

Q What department was added?

24

A It was the assembly department.

25

When I made general foreman, they

made another supervisor take my job.

Q Would you then, starting in 1965, remain on the Safety Committee --

A Yes.

Q -- as general foreman?

A Yes.

Q Was anyone else added to the Safety Committee in 1965 other than what you indicated?

A I don't believe so.

Q Beginning in 1960, did the Safety Committee meet at a certain time on a regular basis?

A They met monthly, not on a fixed time.

Q They would meet every month once a month?

A Once a month.

Q Would they meet at the Cryovac plant in Woburn?

A Yes.

Q Was that in a conference room where you would usually meet?

A Yes.

Q Was there a particular time that the meeting would be held?

A No.

Q Would it be during the day?

A During the day.

Q And approximately --

A During the working day.

Q Approximately how long would the meetings last if there was a usual time?

A Approximately an hour.

Q Could you tell me as best you can what was the purpose of the Safety Committee as you understood it in the 1960s or when it began?

A It was to get the production workers involved in safety, to communicate to supervisors and Safety Committee members any suggestions and what happened to the suggestions.

Q So the concern of the Safety Committee would be safety at the Woburn plant?

A Yes.

Q All aspects of safety?

A Yes.

Q All aspects of worker safety?

A I would say so.

Q Would it concern aspects of safety regarding the general public or people who would come to the plant other than workers?

A It would be -- If we had visitors we would want them to not get hurt while visiting the

1
2 plant. If there were visitors coming through
3 to see the plant, they would not be doing
4 grinding or anything that would -- anything
5 that might lead to things flying through the
6 air and injuring someone. They would be made
7 aware of that.

8 Q Was there also concern vis-a-vis the
9 community, such as fires at the plant or
10 disaster preparation?

11 A I don't believe we had disaster plans back in
12 those days. They would be concerned with the
13 facility.

14 Q So any safety concerns regarding the facility
15 or the Woburn plant would be under the
16 auspices of the Safety Committee? That is
17 what the Safety Committee would be concerned
18 with?

19 A Mostly related to industrial work, the work
20 that they do and their own environment where
21 they're working.

22 Q Now, the Cryovac plant at Woburn from time to
23 time did use chemicals; is that right?

24 A Yes.

25 Q One of the things the Safety Committee was

concerned with was the safe and proper use of these chemicals; is that true?

A If they were involved with it or exposed to it. People in the assembly area would not be exposed to chemicals.

Q Is that your answer?

A The people that were exposed would be made aware of the use of gloves, goggles and protective equipment.

Q My question is: Was it one of the concerns of the Safety Committee how the chemicals would be used by workers?

A I am sure it was discussed. Back in 1960, I don't think we had that many chemicals there that other people would be involved in, as I recall.

Q What I am saying is it would be under the auspices of the Safety Committee how workers are to use chemicals?

A Yes; I would say so.

Q Would it be under the auspices of the Safety Committee how workers were to use and dispose of chemicals?

A Back in 1960, I can't remember discussing

disposal. Today, yes, it would be.

Q It changed sometime after 1960?

A Yes.

Q The committee did become concerned with disposal as well as use of chemicals?

A Correct.

Q When did they become concerned with disposal of chemicals?

A I couldn't pinpoint the year.

Q Approximately.

A Maybe ten years ago.

Q Approximately 1974?

A I am guessing.

Q 1975?

A I really don't know.

Q Approximately ten years ago?

A I think.

Q Did anything in particular happen that made the company, that made the Safety Committee concerned about the disposal of chemicals?

A None that I can remember.

Q But approximately ten years ago the Safety Committee became concerned with the disposal of chemicals?

1
2 A I couldn't say for sure.

3 Q What exactly is it you can't say for sure?

4 A I can't say when concern for disposal was ever
5 brought up.

6 Q You can't say for sure when concern for
7 disposal was ever brought up; is that right?

8 A I can't remember.

9 Q All right. At some point the Safety Committee
10 became concerned, to your knowledge, with how
11 chemicals should be disposed of?

12 A It was never, that I can recall, a subject of
13 a meeting. I can't give you an answer on that
14 one.

15 Q To the best of your knowledge then, you can't
16 give me an answer as to when the Safety
17 Committee, during the time you have been a
18 member of the Safety Committee, when they
19 became concerned with the disposal of
20 chemicals?

21 A It was not ever brought up about the
22 disposal until, I would say, we got into the
23 accumulation and disposal through the
24 manifest system. We would have talked about
25 it, brought it up, or everyone would have

1
2 been advised to bring their cutting oils and
3 whatever to the accumulation area.

4 Q Approximately when was that period?

5 A Five or ten years ago, I would guess.

6 Q Five or ten years ago?

7 A Within that range, I believe.

8 Q Well, five years would have been 1980.

9 A I really can't remember.

10 Q So it could have been about five years ago?

11 A Could be.

12 Q What associations are you a member of?

13 MR. CHEESEMAN: You're asking about
14 him personally?

15 MR. SCHLICHTMANN: Yes.

16 Q If any.

17 A I would say none.

18 Q You talked about seminars sponsored by the
19 Cryovac Division?

20 A Correct.

21 Q Approximately how many seminars have you
22 attended during the time you have worked for
23 the Cryovac Division of the Woburn plant?

24 A I would say less than ten.

25 Q Did you attend any seminars prior to your

going to the Woburn plant which were sponsored by the Cryovac Division?

A None that I can remember.

Q Now, these approximately ten seminars you attended, they were all held at the headquarters of Cryovac in South Carolina?

A And one was held in North Carolina; all except one.

Q All except one were held in North Carolina?

A All except one were held in South Carolina. One was held in North Carolina.

Q So one was held in North Carolina?

A Yes.

Q Where was that held?

A I don't remember the name of the resort.

Q It was a resort?

A Uh-huh.

Q Was it Hilton Head?

A No.

Q All the other seminars were held in South Carolina at the headquarters of Cryovac?

A Yes.

Q These seminars were approximately two and half days?

1
2 A Yes.

3 Q They would be held every two or three years?

4 A That is right.

5 Q During any of those seminars, do you recall
6 ever receiving any materials or attending any
7 meetings or lectures where the use of
8 chemicals or the disposal of chemicals at the
9 plant was discussed?

10 A No.

11 Q Not in any of those seminars?

12 A No.

13 Q You talked about attending seminars concerning
14 energy conservation?

15 A Right.

16 Q In any of the seminars concerning energy
17 conservation, did you ever receive any
18 materials or ever attend any lectures or
19 meetings at which it was discussed the use
20 of chemicals or the disposal of chemicals at
21 the plant?

22 A Not in South Carolina. I attended one in
23 Belmont, which just triggered my mind, that
24 was given by W. R. Grace concerning
25 disposal and treatment and handling of

hazardous materials.

Q This is a seminar sponsored by W. R. Grace in Belmont?

A Yes.

Q What year was that held?

A I would say three or four years ago.

Q Would that be after 1980?

A Yes.

Q Approximately 1981 or 1982?

A I would say '82.

Q Is that the only seminar which you remember attending sponsored by W. R. Grace at which it was discussed the use of chemicals and the disposal of chemicals?

A That is right.

Q How long a seminar was this at Belmont?

A One day.

Q One day?

A Uh-huh.

Q Where in Belmont was this held?

A Belmont Country Club.

Q Who attended that seminar?

A I believe they were representatives from Cambridge, Lexington, other Grace plants.

MR. SCHLICHTMANN: I think I can guess who some of the lecturers were. I don't know if that privileges the whole seminar.

Q Were materials given out at that seminar?

A I believe so.

Q Do you have those materials?

A I believe so.

Q What do those materials concern?

A I believe there was some illustrations in there about some hazardous waste sites.

Q What else?

A I don't remember what else was in it.

Q How was the seminar set up?

A They had the Grace corporate vice president, I guess, in charge of pollution. I think he had some health people, some chemists and toxicologists and other people of Grace.

Q You said the Grace corporate vice president in charge of pollution?

A Uh-huh.

Q There were toxicologists?

A Yes.

Q Did you say environmental engineers; is that how you described them?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A I would say that is it.

Q Did they give lectures?

A They made comments.

Q Do you know if these were transcribed or
taped?

A I have no idea.

Q Were there any different lectures during the
day or was it just one?

A It was just one.

Q Approximately how long did it last?

A Almost all day.

Q Was it like a panel discussion?

A I think they probably had a question-and-
answer period afterward.

Q Did several people make presentations?

A That is right.

Q And there was a question-and-answer period?

A Yes.

Q Who attended, to the best of your knowledge,
the seminar?

A I didn't know everyone there. I don't know
what their positions were. I am sure that
they were from other Grace plants, like
Lexington, Cambridge and Acton.

1
2 Q Was it a regional meeting of people involved
3 with Grace operations during --

4 A I don't know.

5 Q Were you the only person from Cryovac?

6 A Yes.

7 Q Were there other people associated with
8 Cryovac there to your knowledge?

9 A No.

10 Q Did you meet any people there at the seminar?

11 A Uh-huh.

12 Q Did you talk to anyone?

13 A Uh-huh.

14 Q The people you talked with, where were they
15 from?

16 A They were from -- One was from Acton. I
17 talked to one from Cambridge.

18 Q Do you know what their positions were in
19 Cambridge and Acton?

20 A No.

21 Q Was there anyone else you talked to other
22 than someone from Cambridge or Acton?

23 A I just made really small talk with them. I
24 didn't talk about the problem.

25 Q I mean other than the people from the Acton

1
2 plant or the Cambridge plant, did you meet
3 anyone else?

4 A No.

5 Q Can you remember what the Grace corporate
6 vice president for pollution said in his
7 lecture to the best of your knowledge?

8 A I think he was there to emphasize the
9 importance of proper handling of waste.

10 Q What did he say about the proper handling of
11 waste to the best of your memory?

12 A I think he just outlined the procedures that
13 are published procedures, to be sure that we
14 followed them.

15 Q You say published procedures, who published
16 these procedures?

17 A State or federal.

18 Q He talked about procedures published by both
19 the federal and state government?

20 A That is true.

21 Q Were those handed out at the seminar?

22 A I don't remember. They may have been in a
23 booklet they gave us.

24 Q Did he talk about any procedure that W. R.
25 Grace had concerning the use or handling of

chemicals?

A No.

Q Did he say W. R. Grace had procedures concerning the use of chemicals or the disposal of chemicals?

A No.

Q To your knowledge, he discussed the procedures that various governmental agencies had concerning the use and disposal of chemicals?

A I would say so.

Q What did he say were those governmental agencies' procedures, to the best of your knowledge, concerning the use and disposal of chemicals?

A He emphasized to follow the letter of the law as it is written.

Q As it is written down?

A Yes; and as it is published in the register or whatever.

Q At that seminar were you given publications from the government concerning the use of chemicals and disposal of chemicals?

A I don't believe so.

1
2 Q From time to time did the Cryovac Division
3 receive various publications or documents
4 from various governmental agencies concerning
5 the use and disposal of chemicals?

6 A We would get whatever was published in the
7 register.

8 Q Did you take it from the vice president to
9 mean you should follow those procedures you
10 received from time to time from the govern-
11 mental agencies?

12 A I would think so.

13 Q No one went over any of those procedures with
14 you at the seminar?

15 A Not with me. I don't remember.

16 Q For the group at the seminar, no one went
17 over the procedures?

18 A I don't remember.

19 Q Other than the vice president for pollution
20 indicating to you that you should follow the
21 procedures of the governmental agencies
22 concerning the use and disposal of chemicals,
23 did he indicate anything else to you or the
24 group?

25 MR. CHEESEMAN: Jan, the seminar

1
2 you're asking about, that took place in 1982,
3 which was three or four years after the time
4 period that is relevant in this case. I
5 don't mind you asking him questions about the
6 seminar, but I do hope that you won't ask him
7 to reconstruct everything that took place
8 during that day-long seminar.

9 MR. SCHLICHTMANN: Can you
10 reconstruct it for me? Was it a good seminar?

11 MR. CHEESEMAN: I didn't sit through
12 it.

13 MR. SCHLICHTMANN: I don't think I
14 will be spending too much time on it.

15 A I think it was everything related to the law.
16 It was a review of the law.

17 Q You said you heard from different people. As
18 best you remember, what were their positions?

19 A We would -- I would get communications from
20 headquarters on --

21 Q No, no. At the seminar who else spoke other
22 than the vice president?

23 A Toxicologists, other health people involved
24 with health.

25 Q What other people involved with health?

1
2 A I think some chemists.

3 It was mostly geared toward the
4 other plants. The other plants are chemical.
5 I was not a chemical plant. I really wasn't
6 geared -- It wasn't really geared for me as a
7 chemical producer the way it was for the
8 others, the larger plants.

9 Q Was your plant discussed at the seminar at
10 all, the problems you had at your plant?

11 A I don't believe so.

12 Q Now, what did the toxicologists say? Did
13 they concern themselves with the health
14 hazards of certain chemicals?

15 A They would go into that.

16 Q What did the toxicologists tell you about the
17 health hazards?

18 A I can't remember specifically what he would
19 cover.

20 Q You said there were other health people that
21 talked about these hazards of these chemicals;
22 is that true?

23 A I don't know who they were. But other people
24 would ask questions of other people and they
25 would respond.

1
2 Q Other than toxicologists, you said there were
3 other health related people who spoke to the
4 group. Did they talk about the hazards of
5 these chemicals to you? Do you remember them
6 saying anything about these chemicals, what
7 the hazards are?

8 A I don't remember anyone specifying any
9 particular chemical at that meeting.

10 Q Did you ask any questions at the meeting?

11 A I don't believe so.

12 Q Did other people ask questions?

13 A I would say so.

14 Q What questions do you remember them asking?

15 A I can't think of any.

16 Q Do you still have those materials that were
17 given out at that meeting?

18 A I believe I do.

19 Q Are they in your office at the Cryovac
20 plant?

21 A Yes, I believe so.

22 Q Now, prior to that meeting in Belmont in
23 1982, did you ever attend, do you remember
24 ever attending any meeting, any seminar
25 sponsored by W. R. Grace concerning, or at

1
2 which it was discussed the use of chemicals
3 or disposal of chemicals?

4 A Not that I can recall.

5 Q Prior to that meeting in 1982 at Belmont, do
6 you remember attending any seminar or any
7 meeting sponsored by the Cryovac Division at
8 which it was discussed the use of chemicals
9 or the disposal of chemicals?

10 A I don't remember.

11 Q Now, prior to the meeting in Belmont in 1982,
12 do you remember attending any seminar or
13 meeting sponsored by any governmental agency
14 or private organization or association at
15 which it was discussed the use of chemicals
16 or the disposal of chemicals?

17 A I can't remember attending any.

18 Q And to be more specific, at any of the
19 meetings you attended for Cryovac concerning
20 energy conservation, supervisory programs,
21 advanced management or safety programs, at
22 none of those meetings do you remember it
23 being discussed the use of chemicals or the
24 disposal of chemicals?

25 A I can't recall any.

1
2 Q Now, as to the Safety Committee, you said they
3 would have monthly meetings?

4 A Uh-huh.

5 Q Were minutes kept of these meetings?

6 A Yes.

7 Q Do you still have the minutes of those
8 meetings?

9 A I have some. I don't know how far back they
10 go.

11 Q You do have minutes of the Safety Committee
12 meetings?

13 A I have some.

14 Q Do you know how far back they go?

15 A No.

16 Q Are there still meetings of the Safety
17 Committee?

18 A Yes.

19 Q Would you like to take a break or get some
20 water?

21 A I would like a glass of water.

22 (Brief recess)

23 Q At any time while you were working for Dewey &
24 Almy, did you ever attend seminars or
25 meetings sponsored by Dewey & Almy or any

organization or association at which the use of chemicals or disposal of chemicals was discussed?

A No. I would say I never did.

Q Do you know the Defendant W. R. Grace answered some interrogatories?

A Uh-huh.

Q You're aware of that?

A Yes.

Q Were you one of the people who provided information concerning those interrogatories?

A I would say yes.

Q Did you, at the request of your counsel, collect information or go through the files of the Cryovac plant at Woburn concerning this case?

A I probably made my files available. I don't believe I went through any. I didn't go through any of the files.

Q So you have --

A I --

Q So you haven't inspected or gathered information from your files; you made your files available?

1
2 A True.

3 Q Now, who was responsible for keeping any
4 materials concerning the Safety Committee?
5 Was that your responsibility?

6 A I keep a copy and I believe the personnel
7 department keeps a copy.

8 Q Those are the two places where safety material
9 having to do with the Safety Committee are
10 kept?

11 A I believe so.

12 Q To your knowledge, does the personnel
13 department have a complete set of the minutes
14 of the Safety Committee?

15 A I don't know if they do or not.

16 Q You do have some, but you don't believe you
17 have all the Safety Committee minutes?

18 A No. I don't know if I have them all or not.

19 Q Was it one of your responsibilities to
20 collect the minutes of the Safety Committee
21 or any material having to do with the Safety
22 Committee and keeping them?

23 A No.

24 Q Whose responsibility was that, if anyone?

25 A I don't know if anyone had it. I don't think

the minutes, in my opinion, of the Safety Committee were considered that important that they would keep them for ten, 20 years.

Q When you say they weren't considered that important, who are you referring to?

A In my opinion.

Q In your opinion they weren't that important?

A If someone else is keeping them, I don't know.

Q Wasn't your understanding that one of the duties and responsibilities that you had as a member of the Safety Committee was to keep the minutes of the Safety Committee or materials of the Safety Committee?

A No.

Q It was not your responsibility?

A I was never told it was.

Q Are you aware of anyone else, whether it was the responsibility of anyone else?

A No.

Q Someone else's responsibility to keep such minutes or keep such material?

A No.

Q Are you aware of any procedure or directive from any of your supervisors or supervisors

1
2 over the Safety Committee concerning whether
3 those minutes should be kept or the material
4 should be kept?

5 A I have no information on that.

6 Q Who was your immediate supervisor at Cryovac
7 during the time you were associated with
8 Cryovac or would you --

9 A I think I reported to Vin Forte, F-O-R-T-E.

10 Q Starting when?

11 A I would say from my start I worked for him,
12 and continued working for him probably up
13 until 1965. I think I then worked for Jim
14 Watkins.

15 Q What was Jim Watkins' position?

16 A I think he was manufacturing manager.

17 Q And Vince Forte's position between 1960 and
18 1965?

19 A I think he was production control supervisor
20 and production manager.

21 Q Now, you said in 1965 you started to work
22 for Jim Watkins?

23 A I believe so.

24 Q At some point did you work for someone else
25 at some later point?

1
2 A I think Jim Watkins left and I went back to
3 Vin Forte.

4 Q When do you think that was?

5 A I am guessing about '70. I really don't know.

6 Q In 1970, you started to work again for Vince
7 Forte?

8 A Yes.

9 Q What was his position then?

10 A I would say production manager.

11 MR. CHEESEMAN: It's Vin, V-I-N.

12 MR. SCHLICHTMANN: I thought it was
13 Vince.

14 MR. CHEESEMAN: It's Vincent.

15 MR. SCHLICHTMANN: I will call him
16 Mr. Forte.

17 Q How long did you work for Mr. Forte after
18 1970?

19 A I would say I continued right up until the
20 end of '84.

21 Q And in 1984 Mr. Forte was transferred?

22 A Yes.

23 Q To the South Carolina office?

24 A Yes.

25 Q Do you know to what position?

1
2 A I think he is engineering manager. I really
3 don't know what his official title is.

4 Q Who do you work for now?

5 A I work for -- I think the title is plant
6 manager.

7 Q Was there a chairman of the Safety Committee
8 during the times that it met?

9 A Years ago.

10 Q Were you ever the chairman of the Safety
11 Committee?

12 A We don't have that title now. I never was it.
13 I don't know if we had a title of chairman.

14 Q Was there someone who was in charge of the
15 Safety Committee, or was everyone essentially
16 on an equal footing?

17 A Years ago there was somebody who conducted
18 the meeting.

19 Q Who would that be?

20 A I think Eric Myers conducted back in the '60s.
21 After that I can't say who conducted -- I
22 would say I conducted it and Vin.

23 Q What was Eric Myers' position?

24 A He was office manager.

25 Q Office manager?

1
2 A Yes.

3 Q Do you remember when you started conducting
4 the meetings, as best you can recall?

5 A I can't remember.

6 Q Was it in the mid '60s?

7 A He transferred down to South Carolina probably
8 in the late '60s. I really don't know.

9 Q You began to hold the Safety Committee
10 meetings approximately --

11 A I can't remember when exactly.

12 Q -- the late '60s?

13 A Probably.

14 Q Now, when you say you would conduct the
15 meetings, what were your responsibilities in
16 conducting those meetings?

17 A To conduct the meeting, to introduce the
18 first time members of the hourly people that
19 were there for the first time on the
20 procedures that we had to follow and what
21 their job was, try to instill in them their
22 responsibilities that they had.

23 Q Was it one of your responsibilities to
24 determine what topics the Safety Committee
25 would deal with?

1
2 A We would deal with any and all -- whatever
3 they wanted to bring up.

4 Q When you say they, you mean anyone at the
5 Safety Committee?

6 A Anyone at the meeting.

7 Q Is it your understanding from the beginning
8 then, that the Safety Committee, that the
9 topics discussed or issues dealt with were
10 those brought up by the members of the
11 Safety Committee?

12 A It would be whatever was brought up at the
13 previous meeting would be resolved or
14 discussed. We would also ask for comments
15 from everyone that attended for any
16 suggestions. I would take the minutes of the
17 meetings and have them typed and posted.

18 Q You say posted?

19 A Bulletin board.

20 Q For all the other employees?

21 A For everyone to read.

22 Q Now, what topics or issues -- Strike that.

23 Were topics or issues for the
24 Safety Committee ever proposed by your
25 supervisor or anyone who is not a member of

the Safety Committee?

A Yes.

Q That would happen from time to time?

A Yes.

Q So your supervisor could have topics for the Safety Committee to discuss?

A Yes.

Q At any time did anyone, other than your supervisor, give the Safety Committee topics to discuss?

A Yes.

Q Would topics come from anyone in management positions for the Safety Committee to discuss?

A I can't remember an instance.

Q At any time did W. R. Grace or anyone associated with W. R. Grace submit anything or give any issues to the Safety Committee to discuss?

A Not that I can remember.

Q All right. Let me show you a --

MR. CHEESEMAN: Off the record.

(Discussion off the record)

Q Did you consider it one of your responsibilities

1
2 as a member of the Safety Committee to be
3 concerned with how employees use chemicals
4 and how they dispose of the chemicals they
5 use?

6 MR. CHEESEMAN: I will object on the
7 ground it is a double question.

8 MR. SCHLICHTMANN: Let me strike that
9 question.

10 Q Did you consider it as part of your
11 responsibilities as a member of the Safety
12 Committee to be concerned with how employees
13 use the chemicals at the plant and how they
14 dispose of those chemicals?

15 MR. CHEESEMAN: I think it would be
16 more useful if you ask about use and then ask
17 about disposal.

18 MR. SCHLICHTMANN: Good point.

19 Q Did you consider it one of your responsibili-
20 ties as a member of the Safety Committee to
21 be concerned with how employees use
22 chemicals at the plant?

23 A Definitely.

24 Q As a member of the Safety Committee, did you
25 consider it one of your responsibilities as

1
2 to how employees dispose of chemicals that they
3 used?

4 A I would say so.

5 Q Did you consider it one of your responsibilities
6 as a member of the Safety Committee to
7 determine what would be the safe disposal --
8 what would constitute safe disposal of
9 chemicals used at the plant?

10 A I would say so.

11 Q Did you consider it one of your responsibili-
12 ties as a member of the Safety Committee to
13 determine what were safe practices concerning
14 the use of chemicals at the plant?

15 A I would say so.

16 Q Did you consider it one of your responsibili-
17 ties as a member of the Safety Committee to
18 determine how chemicals were disposed of so as
19 not to endanger the community?

20 A I would.

21 Q Did you consider it one of your responsibili-
22 ties as a member of the Safety Committee to
23 determine how chemicals should be used at the
24 plant so it will not constitute a danger to
25 the community?

1
2 A I would.

3 Q Is that true for the entire period that you
4 were associated with the Safety Committee at
5 the Cryovac plant in Woburn?

6 A I think the use of materials in the plant,
7 that is something I was concerned with. I
8 don't believe back in 1960 there was a concern
9 for disposal of waste.

10 Q Starting in 1960 then, you don't believe there
11 was a concern for how waste was disposed of at
12 the plant?

13 MR. CHEESEMAN: You changed the
14 question, Jan. You were asking him whether
15 it was a concern of the committee, meaning a
16 subject matter of the committee's discussion.
17 You're changing the question a little now.

18 MR. SCHLICHTMANN: I am glad you
19 brought it up.

20 Q It was not your understanding that the Safety
21 Committee was concerned in 1960 with the
22 proper disposal of waste at the Cryovac plant
23 in Woburn?

24 A That is true.

25 Q At some point did the Safety Committee, to

your knowledge, become concerned with the safe waste disposal of chemicals at the Woburn plant?

A At some point I would say they did.

Q When, to the best of your knowledge, did they become concerned with the safe waste disposal of chemicals at the Woburn plant?

A I can't remember the year.

Q As best you can.

A I would have to guess. I would guess around the mid '60s. I really don't know.

Q Your best guess is in the mid '60s the Safety Committee became concerned with the safe disposal of waste at the Woburn plant?

A The Safety Committee was really not involved in waste disposal, other than they would be involved in the proper use of whatever chemicals we had.

Q So the Safety Committee would not be concerned with waste disposal?

A Not as part of their function on the committee.

Q At any time had the Safety Committee become concerned with the safe disposal of chemicals

1
2 at the plant?

3 A I would say that it had been discussed as a
4 subject.

5 Q When?

6 A On occasion.

7 Q Can you remember on what occasions they were
8 concerned with the safe disposal of chemicals
9 at the plant?

10 A I couldn't pick a time.

11 Q Was it any time during the 1960s?

12 A I couldn't say.

13 Q Was it any time during the 1970s?

14 A I don't remember.

15 Q Was it any time during the 1980s?

16 A I can't remember that.

17 Q To your knowledge, did any department or any
18 person at the Cryovac plant in Woburn have
19 as their responsibility determining the safe
20 disposal of chemicals at the plant?

21 A I think that would be my function.

22 Q Your function?

23 A Yes.

24 MR. CHEESEMAN: Perhaps part of the
25 problem when you use the term "safe disposal",

1
2 you're mixing into one bag worker safety on the
3 premises and safety from an environmental
4 point of view. If you could clarify what
5 you're asking.

6 MR. SCHLICHTMANN: Well, I don't
7 think we misunderstood each other. I know the
8 point you're making.

9 Q Let me put it as to disposal. You are the
10 person or you were the person, to your
11 knowledge, during the time you were associated
12 with Cryovac plant in Woburn responsible for
13 determining how chemicals should be disposed
14 of at the plant?

15 A I would say so.

16 Q Did you consider it as one of your
17 responsibilities, one of your concerns, how
18 the chemicals were disposed?

19 A Yes.

20 Q At any time was one of your concerns whether
21 that disposal would pose a hazard to the
22 community?

23 A I don't believe so.

24 Q At any time during which that was your
25 responsibility, did you have that as one of

your concerns?

A I don't think so.

Q Is that true for the entire time you have been responsible for that function?

A No.

Q Did it change at some point?

A As a result of this case.

Q It then became a concern of yours because of this case, how chemicals are disposed of at the plant regarding how that disposal could pose a hazard to the community?

A And the law as well, adhering to the law.

Q One of the factors in your determining that, how chemicals are disposed of so they don't pose a hazard to the community, was because of this lawsuit?

A And the environment as well. I don't like to pollute the environment.

Q When you say you don't like to pollute the environment, that is a concern you had since this case was filed?

A Probably.

MR. SCHLICHTMANN: We will start with February, 1964. Do you have that

document?

MR. CHEESEMAN: We do.

MR. SCHLICHTMANN: We will have that
marked.

(February, 1964 minutes,
marked Exhibit No. 1.)

Q Could you describe this document?

A These are the minutes of the Safety Committee
meeting that was held in February of 1964.

Q Are you familiar with that document?

A My initials are on it.

Q Does that mean you read and reviewed that
document at the time?

A I would say so.

Q Do you have any independent knowledge
concerning the information contained in that
document other than what is contained in
that document?

A I don't understand the question.

Q It was probably a bad question.

Are you familiar with the
information discussed in that particular
document?

A You mean Section J?

1

2

Q Any part of the document.

3

A I am familiar with the layout of the top.

4

Q Now, it says under Section 1 you were a permanent committee member?

5

6

A Yes.

7

Q They are referring to you there?

8

A Yes.

9

Q The temporary department representatives, they are the heads of those various departments indicated on there?

10

11

12

A No. Those are the production workers.

13

Q Those are the workers?

14

A Yes.

15

Q The names of the people under "permanent committee members", at that time those were the various heads of the departments?

16

17

18

A The ones to the right were supervisors of the departments.

19

20

Q That would be Joe Parisi?

21

A Egidio Longo and Ed Orazine.

22

Q And the ones to the left?

23

A My supervisor, Jim Watkins; and Eric Myers, the personnel representative.

24

25

Q Under "actions taken since previous meeting",

Section 3, it is all blacked out. Did you black out that document?

A No, I didn't.

Q That was done by somebody else?

MR. CHEESEMAN: Done by counsel.

MR. SCHLICHTMANN: It has to be because all the lines are straight.

Q Well, do you have any knowledge of the information contained in there that is blacked out?

A No.

Q On Section 4 it says "new suggestions"?

A Uh-huh.

Q And that is all blacked out?

A Yes.

Q Do you have any independent knowledge or any knowledge what that information is?

A No.

Q Under J there is information that is blacked out. Do you have any knowledge what that refers to?

A No, I don't.

Q Could you read for the record what is under Section J?

1
2 A Trichloroethylene is to be used for cleaning
3 purposes instead of toluol, which is much
4 more inflammable. This solvent will be
5 available in the paint shop area.

6 Q That paragraph refers to toluol, right?

7 A Yes.

8 Q What is toluol?

9 A Toluol was a solvent used in the paint shop
10 for wiping off parts of any oil and grease
11 that may be on the shop.

12 Q Are you familiar with the chemical composi-
13 tion of toluol, what some of the ingredients
14 were?

15 A No.

16 Q Were you familiar with whether it was a
17 hazardous chemical or not, whether it posed
18 any hazard to employees?

19 A Other than it was flammable.

20 Q You don't know anything else about that
21 chemical?

22 A No.

23 Q Were you responsible for purchasing toluol
24 at that time?

25 A I would say so.

1
2 Q Were you responsible for purchasing the
3 chemicals at the Woburn plant starting in
4 1960?

5 A Not starting in '60.

6 Q When did you become responsible for purchasing
7 chemicals in the plant?

8 A I would say '65.

9 Q Starting in 1965 you were responsible for
10 purchasing chemicals used in the plant?

11 A I would approve the order that the supervisor
12 would submit for their lubricants and whatever
13 they had to buy.

14 Q Were you responsible starting in 1965 with
15 determining who to purchase the chemicals
16 from or who to obtain the chemicals from?

17 A No.

18 Q Who was responsible for that?

19 A Must be the purchasing department.

20 Q At any time were you responsible for
21 determining where the chemicals should be
22 purchased from or where they should be
23 obtained?

24 A When I was working in purchasing.

25 Q When would that be, what year?

1
2 A In '79.

3 Q Prior to 1979 you were not responsible for
4 determining where to purchase the chemicals
5 or where to obtain them from?

6 A No.

7 Q That was the purchasing department?

8 A Right.

9 Q Who, to your knowledge, was responsible for
10 purchasing chemicals or obtaining chemicals
11 to be used in the plant in 1960?

12 A Purchasing manager.

13 Q Do you remember who the purchasing manager
14 was in 1960?

15 A I can't.

16 Q Well, of any of the permanent committee
17 members, were they a member of the purchasing
18 department?

19 A No.

20 Q At any time did you ever have a discussion
21 or seek information from any manufacturer or
22 manufacturer's representative concerning
23 chemicals that were being purchased from
24 that manufacturer?

25 A Only in the brochure or safety data sheets.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q What are the safety data sheets?

A It is OSHA form 20 that each manufacturer has for his product. It contains the hazardous substances.

Q When did you start to obtain safety data sheets from the manufacturer?

A I can't remember the year.

Q Approximately.

A Probably when they started or when they were available.

Q And approximately --

A Five years.

Q About five years ago?

A I really don't know.

Q Was it more than five years ago?

A I don't know.

Q Was it more than ten years ago?

A I think it was more than five. I couldn't tell you.

Q You would obtain safety data sheets when they were required by OSHA, when they became required?

A You asked if I had contact with manufacturers.

Q Yes.

1
2 A That would be my contact.

3 Q The safety data sheets?

4 A Yes.

5 Q Prior to your having to obtain safety data
6 sheets as a requirement of OSHA, did you have
7 any occasion to have contact with
8 manufacturers or their representatives
9 concerning the chemicals or their products
10 that were used at the plant?

11 A I don't believe so.

12 Q Was it during the time you were associated
13 with the Cryovac Division, was it your
14 responsibility if information had to be
15 obtained about products at the plant and what
16 the constituents were, was that your
17 responsibility? Did you understand that to
18 be your responsibility?

19 A I believe so.

20 Q But you can't remember ever discussing with
21 a manufacturer or its representative the type
22 of chemicals used at the plant or what their
23 characteristics were, other than obtaining
24 safety data sheets under the OSHA
25 requirement?

1
2 A To my knowledge, that is true.

3 Q Now, do you have any recollection as to when
4 trichloroethylene or a product containing
5 trichloroethylene was first used at the
6 Cryovac plant in Woburn?

7 A My only recollection would be this document
8 (Indication).

9 Q You don't have any other recollection?

10 A (Witness nods in the negative).

11 MR. CHEESEMAN: You shook your head
12 no. You have to answer out loud.

13 THE WITNESS: No.

14 Q Do you have any knowledge as to whether the
15 plant was using trichloroethylene from 1960
16 to 1964 in any product that it had?

17 A No knowledge.

18 Q Could it have been, to your knowledge?

19 A I don't know.

20 Q You were using the -- Strike that.

21 The plant was using chemicals or
22 products containing various chemicals at the
23 plant starting in 1960; is that true?

24 A Yes.

25 Q And it was your responsibility, you understood

1
2 it to be your responsibility to determine what
3 the properties of that product were?

4 A After, say, '65.

5 Q Prior to 1965 whose responsibility was it, to
6 your knowledge, to determine what the chemical
7 composition of various products was at the
8 plant?

9 A I would say my supervisor.

10 Q That would be Mr. Watkins or Mr. Myers?

11 A I think Mr. Forte.

12 I didn't have any in my department.
13 I don't know what the other departments, how
14 they handled their requisitions.

15 Q At any time between 1960 and 1964, was the
16 Safety Committee ever concerned with the
17 chemical composition of products used at the
18 Woburn plant?

19 A I don't believe so.

20 Q In 1964, you signed this document as
21 permanent safety foreman?

22 A That is right.

23 Q When did you become permanent safety foreman?

24 A I would say about that time.

25 Q About '64?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A Maybe '63.

Q Now, between 1960 and 1964, the plant was using chemicals to your knowledge; is that right?

A Yes.

Q Do you know what kind of chemicals they were using between 1960 and 1964?

A No.

Q Between 1960 and 1964, are you aware of how chemicals were disposed of at the plant?

A No.

Q Do you know whether they were disposed of?

A I would say they had to be. They were probably discharged to a sewer; I don't know for sure.

Q You don't know if they were hauled away?

A I don't believe they were.

Q Do you know whether they were disposed of in the back of the building in the land?

A I don't know that.

Q You don't know that?

A No.

Q You don't know whether it was disposed of down the drain to the sewer system?

1
2 A I don't know that.

3 Q Shalline Exhibit 1, is that essentially the
4 format that minutes would be of safety
5 meetings?

6 A Yes.

7 Q This is the standard format?

8 A Yes.

9 Q You said you were safety foreman. What were
10 the duties of safety foreman?

11 A It would be accident investigation, conduct
12 the meetings, write up the minutes, follow
13 through that they were completed.

14 Q So you wrote up the minutes of this safety
15 meeting of February 11, 1964?

16 A I don't know if I did or not.

17 MR. SCHLICHTMANN: Mark this letter
18 of September 30, 1964.

19 (Letter dated September 30,
20 1964 from Watkins to
21 Hampton, marked Exhibit
No. 2.)

22 Q Would you identify Shalline Exhibit 2,
23 please?

24 A That is a letter by Jim Watkins to our, to
25 Maryland Casualty Insurance Company, our

workmen's comp. carrier.

Q You were CC'ed on that letter?

A Yes.

Q Do you remember receiving that letter at the time?

A No.

Q What does the letter concern?

A Evidently, a worker brought up the question of trichloroethylene fumes and the reaction with arc welding.

Q Do you remember that being brought up at a Safety Committee meeting?

A No.

Q Do you have any independent knowledge about the information contained in this letter?

A I can remember somebody telling me a welder had -- I don't know who it was. But somebody was telling me about some reaction that he blamed on the fumes and the arc.

Q What kind of reaction?

A I can't be sure. I think it was a sweetness in his mouth.

Q Do you remember an employee coming to you and complaining there was a, there could have

1
2 been some reaction between his arc welding and
3 the fumes from the trichloroethylene, causing
4 a sweetness in his mouth?

5 A As I remember it.

6 Q Do you remember anything else about that?

7 A No.

8 Q Do you know Mr. Tom Hampton?

9 A I met him.

10 Q What was his position with Maryland Casualty
11 Insurance Company?

12 A He was the investigator that would come in if
13 we had an industrial accident and go over it
14 with the employee, himself and me.

15 Q What was his purpose in going over that
16 information with you?

17 A It was to get information and recommend some
18 preventive action so it doesn't happen again.

19 Q Did you consider Mr. Hampton to be somebody
20 who you could obtain information from
21 concerning various safety aspects at the
22 plant?

23 A Yes.

24 Q He visited the plant from time to time?

25 A Yes.

Q You knew him personally?

A I knew him once or twice a year. I wouldn't spend time with him.

Q Now, this is a letter from Mr. Watkins to Mr. Hampton, to your knowledge, asking the question concerning trichloroethylene?

MR. CHEESEMAN: Objection. The letter speaks for itself.

MR. SCHLICHTMANN: I guess it does. It doesn't need me to comment on it.

Q You understood this particular letter was a request of Mr. Tom Hampton to provide information about trichloroethylene?

A Yes.

Q From time to time were requests made of Mr. Hampton concerning chemicals used at the plant?

A I have no knowledge of it.

Q This is the only one you remember?

A Uh-huh.

MR. CHEESEMAN: You have to answer out loud.

THE WITNESS: Yes.

Q To your knowledge you're not aware of any

other requests being made of Mr. Hampton to obtain information about chemicals used at the plant?

A No.

Q Other than this particular letter concerning the use of trichloroethylene, do you recall, to your knowledge, was Mr. Hampton asked to give any additional information concerning the use of trichloroethylene at the plant?

A Not to my knowledge.

Q This letter was reviewed by you at the time it was sent?

A Not that I remember.

Q It does have a carbon copy to P. Shalline?

A Yes.

Q And that would refer to you?

A Yes.

Q Does it indicate it was brought to your attention when it was mailed?

A That I got a copy.

Q Did you talk to Mr. Watkins concerning this employee's complaint about the taste in his mouth when using his arc welding near the trichloroethylene?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A I don't remember.

Q Do you remember discussing it with anyone else?

A I don't believe I did.

Q Do you remember that being discussed at a
Safety Committee meeting?

A No.

Q Did Mr. Watkins, to your knowledge, just send
this letter on his own without contact with
you?

A I think he probably did.

Q You were safety foreman at the time, weren't
you?

A I believe so.

Q Wasn't one of your responsibilities as safety
foreman to transmit to your supervisors
complaints you had from employees concerning
problems that they had in the use of
chemicals?

A I probably did.

Q Do you have any recollection at all as to
informing any other supervisor concerning
this complaint of the employee?

A No.

Q Do you believe you might have?

MR. CHEESEMAN: Objection.

A I believe I might have brought it to Mr. Watkins' attention when I was told about it.

Q This letter could have been in response to your transmitting this information to Mr. Watkins or you just don't know?

A I don't know.

(Letter dated October 30, 1964, eight pages, marked Exhibit No. 3.)

Q Where it says CC, would you --

MR. CHEESEMAN: Which exhibit are you referring to?

MR. SCHLICHTMANN: Shalline 2.

Q Would you identify the people who this indicates were given a carbon copy of this letter, who they are and what their positions were?

A Eric Myers was the office manager. Domenic Vatalero was the sheet metal leadman. E. Longo was the sheet metal foreman. Vin Forte may have been production manager at the time.

Q Thank you.

Now, do you recognize Shalline 3?

A I have seen it before.

Q What is this document?

A It is the response from Maryland Casualty to Jim Watkins.

Q This is the response to Mr. Watkins which is contained in Shalline 2?

A True.

Q At the top of the exhibit are names. Are you familiar with those names?

A Most of them.

Q Would you please go down the line and indicate what those names are?

A Marsh & McClennan is our insurance carrier, I believe.

Q What kind --

A In New York.

Q What kind of insurance?

A I don't know.

I don't know who the next person is.

Q All right.

A Mr. Vin Forte would be the manager. George McElhiney was Cryovac's chief engineer; he was located in South Carolina. I don't know

1
2 who Carkman is.

3 Q Loss prevention engineer?

4 A He is not -- I don't believe he is a Cryovac
5 employee.

6 Q Could he have been associated with Cryovac
7 Division outside the Woburn plant?

8 A I don't know.

9 Q Now, do you recall this document was -- that
10 you reviewed this document at the time it
11 was received by the Woburn plant in October
12 of 1964?

13 A I can't remember that I did.

14 Q You can't remember reviewing this document?

15 A Not on October 30th.

16 Q Well, do you remember reviewing this document
17 in the fall of 1964?

18 A Probably.

19 Q Was the subject of this document ever
20 discussed in a Safety Committee meeting, the
21 information contained in this document?

22 A I don't know.

23 Q You don't remember at any time this document
24 being a point of discussion at the Safety
25 Committee meeting?

1
2 A No.

3 Q You do recall reviewing the document during
4 the fall of 1964?

5 A I would say that I did.

6 MR. CHEESEMAN: Perhaps you should
7 ask the witness whether he presently
8 remembers.

9 Q Do you remember now you reviewed it in the
10 fall of 1964?

11 A I couldn't say that I did.

12 Q At the present time you can't remember
13 whether or not you reviewed this document in
14 the fall of 1964?

15 A No.

16 Q At some point did you review this document?

17 A I would say so.

18 Q When did you first review this document that
19 you can remember?

20 A I couldn't say.

21 Q Well --

22 A I have seen this before.

23 Q What is your best recollection of when you
24 remember reviewing this document described
25 in Shalline Exhibit 3?

1
2 A I would say approximately the time that it was
3 received.

4 Q Now, it states in this document under the
5 first page "hazards". Do you see that?

6 A Yeah.

7 Q Under that title it discusses the hazards
8 concerning trichloroethylene use?

9 A Yes.

10 Q One of the hazards is trichloroethylene may
11 be harmful by inhalation, by prolonged or
12 repeated contact with the skin or mucous
13 membranes or when taken by mouth.

14 Were you aware of that fact at the
15 time that you remember reviewing this
16 document, or was that new information to you?

17 MR. CHEESEMAN: Objection to the
18 question. You have just now turned that
19 statement into a fact.

20 MR. SCHLICHTMANN: I don't want to
21 do that.

22 MR. CHEESEMAN: I object for that
23 reason.

24 MR. SCHLICHTMANN: It is a good
25 objection.

1
2 Q In the fall of 1964, was that one of your
3 understandings concerning trichloroethylene
4 as one of the hazards?

5 A I can't remember that. I can't remember
6 that.

7 Q Prior to 1964 did you have any understanding
8 as to what the hazards of trichloroethylene
9 were?

10 MR. CHEESEMAN: If any.

11 Q If any.

12 A The understanding I had that I recall was
13 that it was advertised as a safety solvent.
14 I can't say that I knew about inhalation or
15 repeated contact or anything like that; I
16 don't remember that.

17 Q You say it was advertised as a safety
18 solvent. How do you remember it being
19 advertised as a safety solvent?

20 A Because of looking for something that was not
21 flammable to be used in that area.

22 Q Who was looking?

23 A I was.

24 Q You were responsible for locating something
25 that was not flammable and which would have

1
2 been used as a solvent?

3 A That would do the job.

4 Q In your search for that, do you remember when
5 you had to search for that solvent?

6 A No.

7 Q Was it approximately 1964 or previously?

8 A I don't remember.

9 Q Well, in your search for trichloroethylene,
10 in your search for a solvent which was not
11 flammable, you decided to purchase
12 trichloroethylene; is that right?

13 A Yes.

14 Q You said that you saw advertising relating
15 to trichloroethylene?

16 A Yes.

17 Q Do you recall where you saw that advertising?

18 A No.

19 Q Do you remember seeing it in a trade journal?

20 A Probably.

21 Q You remember what trade journal?

22 A No.

23 Q Did the Cryovac Division subscribe to
24 journals or periodicals?

25 A I am sure they do now.

1
2 Q Did they during the '60s?

3 A I don't know.

4 Q Do you recall whether the periodicals or
5 journals were subscribed to by the Woburn
6 plant during the '60s?

7 A Most periodicals I received were free by
8 filling out a card. I don't know about
9 others. I can only speak for the ones that
10 I received.

11 Q Which were the ones you received?

12 A I think I received Plant Engineering.

13 Q Plant Engineering?

14 A Yes.

15 There have been many through the
16 years.

17 Q Can you give me your best recollection of
18 what are the periodicals or journals you
19 recall receiving at the Cryovac plant in
20 Woburn?

21 A It was Health and Safety.

22 Q Health and Safety?

23 A Yes.

24 Q Do you know who published that?

25 A No, I don't.

1

2

Q That was a journal?

3

A It is a magazine that comes out once a month
or so.

5

Q Do you remember when you started to receive
that?

6

7

A No.

8

Q What other journals do you remember?

9

A I think there was another one called Metal
Finishing. Another one was Equipment Digest.
We also received Purchasing.

10

11

12

Q A magazine called Purchasing?

13

A Purchasing.

14

15

There were many that came that would
just be disposed of, that were not reviewed.

16

Q Do you remember what they were?

17

A I couldn't think of them.

18

Q Were these --

19

A Iron and Steel may have been one of them.

20

Q Iron and Steel?

21

A Yes.

22

Q Any others?

23

A There was another one.

24

Q What was that?

25

A IMP, Industrial Maintenance Products.

I think that is about it.

Q Do you remember receiving any engineering journals?

A No.

Q Any chemical journals?

A No.

Q Any journals having to do with civil engineering?

A No.

Q Any journals having to do with waste management?

A I just subscribed to a waste management publication.

Q You just started?

A Yes.

Q What is the name of that one?

A I think Waste Management.

Q When did you start subscribing to that?

A A month or so ago.

Q Were you responsible during your time you were with Cryovac, were you responsible for subscribing to journals or periodicals?

A If I wanted to.

Q Was that your responsibility?

1
2 A I would say so.

3 MR. CHEESEMAN: You mean for the
4 company?

5 MR. SCHLICHTMANN: For Cryovac in
6 Woburn.

7 THE WITNESS: I could order any
8 periodical I wanted.

9 Q That was your responsibility?

10 A It would be my responsibility.

11 Q During the time you were with Cryovac plant in
12 Woburn?

13 A Right.

14 Q So that was periodicals or journals you could
15 subscribe to?

16 A Uh-huh.

17 Q That was your decision?

18 A Yes.

19 Q That decision was for you to make?

20 A Yes.

21 Q Now, you stated that your understanding in
22 purchasing trichloroethylene was that it was
23 a safe chemical?

24 A Yes.

25 Q It was advertised as a safe chemical?

1
2 A That is right.

3 Q What do you mean by a safe chemical?

4 A It was --

5 MR. CHEESEMAN: I think the term is
6 "safety solvent" that he used.

7 MR. SCHLICHTMANN: Excuse me.

8 Q You understood it to be a safety solvent?

9 A Yes.

10 Q What was your understanding as to why it was
11 a safety solvent?

12 A As I recall at the time, I think they were
13 using it in place of carbon tetrachloride,
14 which was also a non-flammable substance. I
15 think that is how they related it, that
16 people didn't want to use carbon tetra-
17 chloride and this would take its place.

18 Q When you say people wouldn't like to use
19 tetrachloride, why wouldn't they like to use
20 it?

21 A I don't know. I think it probably gives off
22 a lot of vapors.

23 Q Was the Cryovac plant, to your knowledge,
24 using tetrachloride?

25 MR. CHEESEMAN: Carbon

tetrachloride.

Q Carbon tetrachloride.

A To my knowledge we didn't use it.

Q Your understanding was trichloroethylene was replacing the use of carbon tetrachloride?

A As I recall, one of the features -- that was one of the features that occurred.

Q Did you ever receive any materials concerning trichloroethylene from any source, its properties?

MR. CHEESEMAN: You mean other than the documents produced?

MR. SCHLICHTMANN: Other than Shalline 3.

A I can't remember any.

MR. CHEESEMAN: I just want to point out to you, Jan, there are some other documents that fit that description in the pile of materials that we produced to you.

MR. SCHLICHTMANN: Okay. I understand that.

Q As to your purchasing trichloroethylene, in making the decision to purchase trichloroethylene, you didn't receive any materials

concerning trichloroethylene or its properties? You don't recall having received such materials?

A No.

Q Your purchase of trichloroethylene was in response to advertising which indicated to you it was a safe solvent?

A I believe that is true.

Q The safety aspect of it was it was less flammable than other solvents, like carbon tetrachloride?

A No. Neither one of those are flammable.

Q Was your understanding the fact it was called a safe solvent because it was less flammable than others available?

A Yes.

Q Were there any other properties about it which had safe characteristics other than its flammability?

A They advertised it would leave coating on the metal that would -- it was a phosphate coating on the metal that would be desirable if you were painting.

Q Other than that, any other safe

characteristics of the solvent?

A Not that I remember.

Q When you read in this document that trichloroethylene may be harmful by inhalation, by prolonged or repeated contact with the skin or mucous membranes, that was new information to you concerning the hazards posed by the use of trichloroethylene?

A I don't know if it was or not.

Q Had you heard anything or received anything about trichloroethylene concerning its hazards from any other source other than this document?

A I don't know. There may have been something on the drum; I don't know.

Q Do you recall ever seeing it on the drum?

A No.

Q Do you recall whether you ever received any information from a manufacturer concerning the properties of trichloroethylene?

A No.

Q Or material containing trichloroethylene?

A No.

Q It also states in the next sentence:

1
2 However, if proper precautions are consistently
3 observed, this compound can be handled with
4 safety.

5 Is that your understanding as to the
6 use of trichloroethylene at that time?

7 A I would say so.

8 Q It also states in Page 2, second paragraph:
9 In animal experiments, the most important
10 effect following single exposure was a
11 depressant action on the central nervous
12 system.

13 Was that new information to you
14 concerning the hazards of trichloroethylene,
15 the health hazards?

16 A I don't know.

17 Q Prior to reading this document, do you recall
18 ever receiving information concerning what
19 animal experiments had shown about
20 trichloroethylene and its effects on the
21 central nervous system?

22 A I had never received anything like that.

23 Q To the best of your knowledge, this was new
24 information when you read this particular
25 document?

1
2 A I would say so.

3 Q The next sentence reads: Neurologic changes
4 and liver injury may result from prolonged
5 exposure, but the liver effect is likely to
6 be minor.

7 Is that new information to you
8 concerning the effects of trichloroethylene
9 on the liver and neurological system?

10 A I would say so.

11 Q As with other chlorinated hydrocarbons,
12 trichloroethylene can cause alteration of the
13 heart rhythm and death from this cause,
14 although none has been reported.

15 Was that new information to you
16 concerning the effects?

17 A It was.

18 Q Some cases of voluntary addiction to
19 trichloroethylene have been found in
20 industry. This is the individual who likes
21 the odor or who likes the effect of
22 breathing the vapors. Proper selection of
23 employees and proper training of employees
24 is most essential to avoid this exposure.

25 Was that new information to you?

1
2 A I would say so.

3 Q Now, this letter indicates what are the safe
4 practices for the use of trichloroethylene;
5 is that right?

6 MR. CHEESEMAN: The letter speaks
7 for itself.

8 MR. SCHLICHTMANN: Strike that.

9 Q When you reviewed this letter, to your
10 knowledge was this letter indicating to you
11 what the safe practices concerning the use of
12 trichloroethylene were?

13 MR. CHEESEMAN: It speaks for itself.
14 That is an objection.

15 MR. SCHLICHTMANN: It is a good
16 objection.

17 Q But was that your understanding about the
18 document, that it was telling you what the
19 safe practices were in handling trichloro-
20 ethylene?

21 A I would say so.

22 Q Now, it states under Engineering Controls,
23 Page 2, that equipment should be designed so
24 that operators are not exposed to harmful
25 vapor concentration of trichloroethylene or

1
2 contact with the liquid.

3 Was that new information to you
4 concerning the use of trichloroethylene, that
5 equipment had to be designed so that
6 operators are not exposed to harmful vapor
7 concentration or contact with the liquid?

8 A I would say not.

9 Q That was not new information to you?

10 A No. We knew that we -- We knew that it
11 should be used with adequate ventilation.

12 Q Were you aware equipment should be designed
13 so the operators are not exposed to harmful
14 vapor concentration or contact with the
15 liquid?

16 A I knew they should wear gloves and goggles
17 and have adequate ventilation.

18 Q You knew that before you read the letter?

19 A It was a standard practice to do that.

20 Q Why was it standard practice?

21 A Because of the fumes.

22 Q Did you --

23 A You don't want to breathe the fumes.

24 Q Was it your knowledge at that time the fumes
25 could be hazardous to health?

1
2 A I think we would realize that.

3 Q So it was your understanding the fumes in some
4 fashion could be harmful if inhaled by
5 employees or someone else?

6 A I would say so.

7 Q It also states that trichloroethylene should
8 never be used with other solvents without
9 first checking with the manufacturer and
10 obtaining its recommendation, of securing its
11 recommendation.

12 Was it your understanding that
13 trichloroethylene should not be used with any
14 other solvents at that time?

15 A I don't believe so.

16 Q That was new information to you, that it
17 shouldn't be used in conjunction with other
18 solvents?

19 MR. CHEESEMAN: I think that if
20 you're reading the material in parentheses
21 there, it says trichloroethylene degreasing
22 tanks should never be used with any other
23 solvents.

24 MR. SCHLICHTMANN: Right.

25 MR. CHEESEMAN: Without first

checking with the tank manufacturer and
securing his recommendations.

MR. SCHLICHTMANN: Okay.

MR. CHEESEMAN: I am not clear that
sentence is dealing with the property in the
tank or whether it is dealing with mixing
solvents.

Q Was it your understanding that trichloroethy-
lene should not be used in conjunction with
other solvents, that it should not come in
contact with other solvents because of
various reactions that could take place or
health hazards?

A I don't think that -- I think that was new
information.

Q That was new information?

A Yes.

Q It states that many facilities have --

MR. CHEESEMAN: Fatalities.

MR. SCHLICHTMANN: Strike that.

Q It states: Many fatalities have occurred due
to the use of other solvents, such as carbon
tetrachloride and trichloroethylene
degreasers.

Is that new information to you?

A I would say so.

Q So the fact that solvents acting together could become hazardous was new information to you?

A Yes.

Q Page 3, first paragraph: Manufacturers of trichloroethylene, and of the equipment in which it is to be used, are always prepared to help with these problems, and to assist in maintaining safe working conditions. If you have not already done so, it is strongly recommended that you get a manufacturer's representative to go over your equipment and your operating procedures to ascertain their recommendations for safe operations.

Do you agree with that statement as a matter of practice, safe practice, to obtain information from the manufacturers of trichloroethylene as to what would be the best practice in its use?

MR. CHEESEMAN: Objection.

A I think if we had a problem we would have a representative come in.

1
2 Q But to your knowledge, you don't recall ever
3 inviting a representative to come to talk to
4 you about trichloroethylene?

5 A Not that I can remember.

6 Q Do you remember inviting a representative of
7 any chemical compound you used to come and
8 talk to you about the chemical properties and
9 what safe practices would be in its use?

10 A I never had anyone come in.

11 Q You're not aware of anyone coming in?

12 A No.

13 Q No?

14 A No.

15 Q So you never obtained manufacturer's
16 representative's recommendations concerning
17 the safe use of trichloroethylene?

18 A No.

19 Q You never obtained the recommendations of any
20 manufacturer of any chemical compound used at
21 the plant at any time you were there at the
22 plant concerning what would be the safe use
23 of that chemical?

24 MR. CHEESEMAN: When you say "you",
25 you mean Mr. Shalline personally?

MR. SCHLICHTMANN: Personally.

A Not that I can remember.

Q Are you aware of anyone at the plant, to your knowledge, requesting information from manufacturers of chemical compounds used in chemicals used at the plant concerning the manufacturers' recommendations as to the safe use of those chemicals?

MR. CHEESEMAN: Anyone at the plant?

MR. SCHLICHTMANN: Anyone.

MR. CHEESEMAN: You're asking with the exception of this?

MR. SCHLICHTMANN: With the exception of this document.

A None that I can remember.

Q At the time did you have the open type degreaser at the plant?

A A piece of equipment?

Q Yes.

A We did not have a degreaser.

Q All right.

A Not in the terms it is described here. We had a tray that we would put a quart of trichloroethylene in. You can call that a

1
2 tank. I mean --

3 Q You tell me.

4 A It is not a piece of equipment. They're
5 talking about a vapor degreaser as a sophis-
6 ticated piece of equipment.

7 Q You had a tray to put the trichloroethylene
8 in?

9 A Yes.

10 Q That tray was open?

11 A Yes.

12 Q Page 3 at the bottom states ventilation?

13 A Uh-huh.

14 Q Now, the second paragraph reads: Intakes so
15 exhaust --

16 MR. CHEESEMAN: I think that is
17 "intakes to".

18 Q Intakes to exhaust ventilating systems should
19 be as close as possible to the point where
20 the vapor escapes or to the source of
21 contamination and designed to draw the vapor
22 away from the operator but not across his
23 face.

24 Had you understood that it was
25 important in the use of trichloroethylene

that ventilating systems be used so that the vapor is not drawn into contact with the operator?

A Yes.

Q You understood that as a safe operating practice?

A Yes.

Q And the reason that it should not be drawn into the face of the operator is because the fumes could be hazardous to the operator?

A True.

Q And I am talking about the fumes of the trichloroethylene?

A Yes.

Q Under maximum allowable concentration of vapors on Page 4, it states: The threshold limit value (the believed safe average concentration as established by the American Conference of governmental industrial hygienists for continuous exposure during a normal work day) has been set at 100 parts per million for trichloroethylene.

Was that new information to you?

1
2 A I would say it was.

3 Q Samples of air should be taken wherever
4 exposure to trichloroethylene is known or
5 suspected.

6 Did you consider that to be a safe
7 operating practice?

8 A It would be.

9 Q It states: Advice and assistance for these
10 tests may be obtained from your local
11 industrial hygiene division of the state
12 health department.

13 Were you aware at that time you
14 could obtain advice and assistance from the
15 state health department concerning taking
16 tests about vapor concentrations of
17 trichloroethylene? Was that new information
18 to you or had you known that?

19 A I don't remember whether the state did that
20 at the time or not.

21 Q During the time you were associated with the
22 Cryovac Division in Woburn, had you ever
23 contacted the state health department
24 concerning any assistance or information they
25 could give you about the use of chemicals at

the Cryovac Division in Woburn?

A I can't remember ever doing that.

Q To your knowledge, do you know of anyone at the Cryovac Division during the time you were associated with it who at any time contacted or communicated with the state health department concerning the safe use of the chemicals at the plant?

A I am not aware of anyone.

Q It states in the second paragraph there: Continuous recording instruments, arranged to give audible and visible signals when a predetermined concentration of trichloro-ethylene vapor in air is reached, are available.

Were you aware such machines were available?

A No.

Q So that was new information to you?

A Uh-huh.

Q Did you at any time purchase any such machine to determine the vapor concentration?

A No.

Q Are you aware of anyone at Cryovac purchasing

1
2 such a machine?

3 A I'm not aware of anyone.

4 Q Had such a machine ever been purchased or used?

5 A Not to my knowledge.

6 Q It states under warning signs that is a warning
7 sign is recommended to be placed on the
8 equipment or in the vicinity of the
9 equipment containing the following information:
10 Warning, vapor harmful; use only with adequate
11 ventilation; avoid prolonged or repeated
12 breathing of vapor; avoid prolonged or
13 repeated contact with skin; do not take
14 internally; authorized personnel only
15 permitted in this area.

16 Were you aware or did you believe
17 at the time you read this letter that safe
18 practices concerning the use of trichloro-
19 ethylene required the use of warning signs
20 containing information similar to what I just
21 read?

22 A That was new information.

23 Q Did you consider, after having read this,
24 that safe practices would dictate such
25 warning signs should be posted at the plant

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

in Woburn?

A I didn't post a sign.

Q You didn't post a sign?

A No.

Q Did you consider it at the time to be a safe practice?

A These are all good, safe practices.

Q But this --

A In working with the material.

Q You consider posting such a sign is good, safe practice?

A Yes.

Q No warning signs were posted at the Cryovac plant?

A No.

MR. CHEESEMAM: I assume you mean warning signs similar to these?

MR. SCHLICHTMANN: Warning signs containing information similar to the information contained here.

Q Were warning signs posted in the plant, to your knowledge, concerning trichloroethylene or its hazards?

A I don't believe so.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q At any time?

A I don't believe so.

Q It states: Trichloroethylene, though considerably less toxic than carbon tetrachloride, is strongly narcotic.

Did you know that?

A I believe so.

Q A person showing evidence of intoxication from the inhalation of trichloroethylene vapors should be moved promptly to fresh air. If breathing has stopped, artificial respiration should be started at once (mouth-to-mouth method) and continued until a physician arrives.

Was that new information to you or had you known that someone showing such intoxication be handled that way

A I would say it was new information.

Q It states: In case of skin contact, the contaminated clothing should be removed immediately and the affected areas washed thoroughly with warm water and soap.

Was that new information to you or did you consider that to be a safe practice

1
2 prior to reading this?

3 MR. CHEESEMAN: Objection to the form
4 of the question.

5 MR. SCHLICHTMANN: I don't like the
6 form either.

7 Q Was that new information to you?

8 A I think that would be standard procedure if
9 anyone got solvent on them. If they are
10 covered with it, they would remove their
11 clothing.

12 Q In case of skin contact, the contaminated
13 clothing should be removed immediately and
14 the affected areas washed thoroughly with
15 warm water and soap.

16 Did you consider it a safe practice
17 at that time that if an individual's skin
18 came in contact with trichloroethylene, that
19 he should follow these safety steps: remove
20 clothing and wash affected areas thoroughly
21 with warm water and soap?

22 A I would say so.

23 Q If trichloroethylene should get into the
24 eyes, they should be gently irrigated for at
25 least 15 minutes with large quantities of

1
2 water. Irrigation should be started
3 immediately. In all such cases, medical
4 attention should be obtained without delay.

5 Was that new information to you?

6 A Probably new regarding the product, but not
7 new regarding standard procedure.

8 Q When you say standard procedure, what standard
9 procedure are you referring to?

10 A Well, we have an eye wash fountain there in
11 that area. If anyone gets splashed in the
12 eyes or on their skin, there is a shower and
13 an eye wash fountain or bubbler right in the
14 area for them to use, no matter what material
15 they may be exposed to.

16 Q Was this new information to you, that
17 trichloroethylene was the type of substance
18 which should be treated in that way, should
19 be washed and irrigated?

20 A I would say so.

21 Q It states: Since concentrations of 160
22 parts per million are just detectable by
23 their odor, the very recognition of the odor
24 in the atmosphere should warn that drafts,
25 faulty operations, et cetera are causing

vapors to escape which should be controlled.

Was that new information to you?

A I think so.

(Discussion off the record)

(Recess)

AFTERNOON SESSION

Q Did you consider that safe practice dictated that the information contained on Page 5, Paragraphs 1, 2, 3, 4 and 5 under the warning sign section, was information which should have been posted in a warning sign for people at the plant?

MR. CHEESEMAN: I only see four paragraphs. I think you were counting the very top line, which is part of the recommended warning sign.

MR. SCHLICHTMANN: I am asking if he believes that all the paragraphs are information which should be contained in the warning.

MR. CHEESEMAN: My objection is I can't tell from your question which paragraphs you're asking him to --

MR. SCHLICHTMANN: Let me try it another way.

Q Did you consider at that time that safe practice dictated that the information contained in Paragraph 2 on Page 5 - trichloroethylene, though considerably less

1
2 toxic than carbon tetrachloride, is strongly
3 narcotic - should be contained in a warning
4 or information similar to that should be
5 contained in a warning to the people at the
6 plant?

7 A At the time I didn't.

8 Q Do you now?

9 A I did not post a sign.

10 Q But at the time you read this memo, did you
11 consider that safe practice dictated that
12 information like that should be contained in
13 a warning sign for the people at the plant?

14 A It should be conveyed to them; yes.

15 Q The information should be conveyed to them?

16 A Yes.

17 Q Whether in a warning sign or otherwise?

18 A Right.

19 Q Did you consider the information contained
20 in the third paragraph concerning persons
21 showing evidence of intoxication from the
22 inhalation of trichloroethylene, did you
23 consider whether that information should be
24 conveyed to people at the plant through a
25 warning sign or otherwise?

1
2 MR. CHEESEMAN: I will make a
3 remark. I do not understand the paragraph
4 you're reading from to be a paragraph that
5 this letter recommended should be included in
6 a warning sign.

7 MR. SCHLICHTMANN: It is under --

8 MR. CHEESEMAN: All I can say is the
9 letter speaks for itself.

10 MR. SCHLICHTMANN: Rather than get
11 into that problem, I am asking whether he
12 considered the information should be
13 conveyed on a warning sign or otherwise.

14 MR. CHEESEMAN: All right.

15 A It should be conveyed to the people using it,
16 working with it.

17 Q Does that also go for the fourth paragraph
18 about what precautions should be taken when
19 there is contact with trichloroethylene on
20 the skin?

21 A Yes.

22 Q Does that also apply to the last paragraph,
23 which talks about the concentrations of
24 trichloroethylene and the fact that
25 concentrations are detectable by the odor?

1
2 A Yes.

3 Q That should be conveyed to the employees?

4 A Yes.

5 Q This information should be conveyed either
6 through a warning sign or other means?

7 A Yes.

8 Q You considered that to be a safe practice at
9 that time?

10 A Yes.

11 Q Now, as to employee education, it states:
12 Safety in handling trichloroethylene depends,
13 to a great extent, upon the effectiveness of
14 employee education, proper safety instruc-
15 tions, intelligent supervision and the use
16 of safety equipment.

17 Did you consider at that time that
18 safe practices depended upon effective
19 employee education, proper safety instruc-
20 tions and intelligent supervision concerning
21 the use of trichloroethylene?

22 A Yes.

23 Q It states in the second paragraph: The
24 education and training of employees to work
25 safely and to use the personal protective

equipment or other safeguards provided for them
is the responsibility of supervision.

Would you agree with that statement
at that time?

A I would.

Q Training classes for both new and old
employees should be conducted periodically to
maintain a high degree of safety handling
procedures.

Did you agree with that?

A Yes.

Q Workers should be thoroughly informed of the
hazards that may result from improper
handling of trichloroethylene.

Would you agree with that statement
at that time?

A I would agree with that.

Q That is a safe practice?

A Yes.

Q They should be cautioned to prevent spills
and thoroughly instructed regarding proper
action to trim --

MR. CHEESEMAN: To take in case
they occur.

Would you agree with that statement
at that time?

A Should be.

Q Each employee should know what to do in an
emergency and should be fully informed as to
first aid measures.

Would you agree with that statement
at that time?

A I would.

Q Safety showers, eye baths, bubbler drinking
fountains or other close source of water
should be designated for emergency use of
workers who may be exposed to the solvent.

Would you agree with that as a safe
practice?

A Yes.

Q Specific instructions should be issued to
avoid all unnecessary inhalation of vapors
and all direct contact with the liquid.

Would you agree that is a safe
practice concerning the use of trichloroethy-
lene at that time?

A Yes.

Q Instructions should be issued to report to

1
2 the proper authority all equipment failures
3 and/or signs of illness.

4 Would you agree that is a safe
5 practice at that time?

6 A I would.

7 Q It says: While personal protective equipment
8 is not an adequate substitute for good, safe
9 working conditions, adequate ventilation and
10 intelligent conduct on the part of the
11 employees working with trichloroethylene,
12 it is, in many instances, the only practical
13 means of protecting the worker, particularly
14 in emergency situations.

15 Would you agree with that statement
16 at that time?

17 A Yes.

18 Q In this respect, maintenance of equipment
19 which requires workers to enter the tank or
20 the pit is considered emergency.

21 Did you agree that workers
22 working with the machine had any contact --
23 Forget that. I don't like the question.

24 Personal protective equipment
25 protects only the worker wearing it, and

other unprotected workers in the area may be exposed to danger.

Did you agree that unprotected workers in the area where trichloroethylene is used could be exposed to the dangers?

A Yes, I would.

Q It states: Chemical safety type goggles should be worn whenever there is danger of solvent coming in contact with the eyes.

Would you agree that is a proper safety --

A Yes.

Q -- practice?

A Yes.

Q It states: Respiratory protection, such as self-contained breathing --

MR. CHEESEMAN: Apparatus.

Q -- apparatus, positive pressure --

A Hose masks --

Q -- air lines --

A -- air line masks.

Q -- should be provided from -- for men cleaning equipment, making repairs in the tank or pit, when decontaminating areas following spills or

1
2 other failure of the equipment which would
3 expose workers to concentrations of solvent.

4 Would you agree respiratory equip-
5 ment such as they described should be used
6 under those circumstances?

7 MR. CHEESEMAN: I object to the
8 question because there is no indication that
9 any tank or pit was used here.

10 Q Would you agree that is a safe practice?

11 A Yes, I would.

12 Q It states: Safety shoes are recommended and
13 if boots are preferred, they should be made
14 of neoprene or similar synthetic which is
15 resistant to the solvent. Trichloroethylene
16 attacks natural rubber.

17 Were you aware of that in 1964?

18 A I would say so.

19 Q Were you aware trichloroethylene attacks
20 natural rubber?

21 A I would say so.

22 Q And therefore, safety shoes should not be
23 made out of rubber for people who will be
24 exposed to the solvent?

25 A True.

1
2 Q That was a safety practice?

3 A Yes.

4 Q As a general hygienic measure, facilities
5 for personal cleanliness should be provided
6 and washing before lunch and at the end of
7 the work day required.

8 Would you agree that is a safe
9 practice for people exposed to trichloro-
10 ethylene?

11 A I would.

12 Q Clothing made out of neoprene or other
13 impervious material may be worn to protect
14 the body against splashes. These garments
15 should be cleaned inside and out each time
16 they are used.

17 Would you agree that is a proper
18 safety practice, to protect the workers
19 exposed to trichloroethylene by having
20 clothes made out of impervious material?

21 A Yes, I would.

22 Q Under solvent control, it states: Conserva-
23 tion of solvent can be obtained by
24 efficient operations.

25 Would you agree conservation could

1
2 be obtained by efficient operations at the
3 plant?

4 MR. CHEESEMAN: I object on the
5 ground of relevancy. It seems we're getting
6 trivial here.

7 MR. SCHLICHTMANN: It may seem
8 trivial to you. Safety is never trivial.

9 MR. CHEESEMAN: Ask questions about
10 safety then.

11 MR. SCHLICHTMANN: All right.

12 Q Did you believe that measures should be
13 taken to conserve the use of solvent as a
14 safety measure?

15 A Yes, I would.

16 Q Under waste disposal, it states: Sludge and
17 solvent removed from the degreaser, if to be
18 refined or redistilled, may be an
19 additional amount -- may be an additional
20 conservation measure; otherwise, the most
21 desirable treatment of the waste should be
22 determined.

23 Did you agree with that statement
24 in 1964?

25 MR. CHEESEMAN: Objection.

1
2 A I would.

3 Q Did you agree at that period of time that the
4 most desirable treatment of waste disposal
5 of material containing trichloroethylene
6 should be determined?

7 MR. CHEESEMAN: Objection.

8 A Would you repeat the question?

9 Q At that time, meaning 1964, did you agree
10 that it was necessary for safe practice to
11 determine the most desirable treatment of
12 the waste containing trichloroethylene?

13 MR. CHEESEMAN: Objection. Go
14 ahead.

15 A No.

16 Q You did not agree at that time that safe
17 practice dictated determining the most
18 desirable waste containing trichloroethylene?

19 A No.

20 Q What was your opinion at that time concerning
21 what should be done with waste containing
22 trichloroethylene?

23 MR. CHEESEMAN: Objection.

24 MR. FREDERICO: Objection.

25 A That it should be allowed to evaporate to

the atmosphere.

Q Your opinion was material containing trichloro-
ethylene be allowed to evaporate into the
atmosphere?

MR. CHEESEMAN: Objection.

MR. FREDERICO: Objection.

A Yes.

Q What was that based on?

MR. CHEESEMAN: Objection.

A A way to dispose of the waste.

Q It was your opinion at that time a way to
dispose of the waste was to allow waste
containing trichloroethylene to evaporate
into the atmosphere?

MR. CHEESEMAN: Objection.

MR. FREDERICO: Objection.

A Yes.

Q Was this based on information that you had
obtained from any source?

MR. CHEESEMAN: Objection.

A I don't believe so.

Q This was an opinion you had come to on your
own?

MR. CHEESEMAN: Objection.

1
2 A I believe so.

3 Q To your knowledge, was it the practice of the
4 plant at that time that waste material
5 containing trichloroethylene should be
6 allowed to evaporate into the atmosphere?

7 A I don't know.

8 Q That was your opinion?

9 MR. CHEESEMAN: Objection.

10 MR. FREDERICO: Objection.

11 A That was one way of disposal.

12 Q What were the other ways of disposal?

13 A Be stored in a drum.

14 Q What other ways of disposal of waste
15 containing trichloroethylene? You said you
16 would allow it to evaporate into the
17 atmosphere?

18 A Correct.

19 Q That is one way?

20 A Uh-huh.

21 Q The other way was to store it in a drum?

22 A Yes.

23 Q Any other ways to deal with waste containing
24 trichloroethylene?

25 MR. CHEESEMAN: I don't understand

1
2
3 the question. Are you asking him now to --

4 MR. SCHLICHTMANN: To give me his
5 opinion as of 1964.

6 MR. CHEESEMAN: For an opinion as to
7 ways in which it is possible to dispose of --

8 MR. SCHLICHTMANN: What was his
9 opinion in 1964 as to how waste containing
10 trichloroethylene should be disposed of.

11 MR. CHEESEMAN: I object.

12 MR. FREDERICO: I would also object.

13 MR. CHEESEMAN: Go ahead.

14 A Other than evaporation and accumulation in
15 drums, I wouldn't know how to dispose of it.

16 Q From time to time, to your knowledge, was
17 waste containing trichloroethylene disposed
18 of by allowing it to evaporate into the
19 atmosphere?

20 A I believe so.

21 Q When I say "allowed to evaporate", does that
22 mean it was disposed of on the ground so that
23 it could evaporate into the atmosphere?

24 A No.

25 Q How was it disposed of so it would be allowed

to evaporate into the atmosphere?

A Evaporate from the tray it was used in.

Q Is it your opinion that all the trichloroethylene would vaporize into the air during its use?

MR. FREDERICO: Objection.

MR. CHEESEMAN: Objection.

A I believe it would.

Q So it is your opinion at that time in 1964 that trichloroethylene vaporized during use and none of the chemical would have remained in sludge or waste during processes using the chemical; is that your opinion?

MR. CHEESEMAN: Objection.

MR. FREDERICO: Objection.

A I would say that is my opinion.

Q It states on the bottom of Page 7: A properly designed and operated still used to recover the trichloroethylene can essentially eliminate any waste disposal problem.

Would you agree in 1964 with that statement?

MR. CHEESEMAN: Objection.

A I would say the statement is true.

1
2 Q Did you agree with that statement?

3 A Yes.

4 Q Did the Cryovac plant ever use or design a
5 still to recover trichloroethylene from any
6 waste material containing trichloroethylene?

7 A Not to my knowledge.

8 Q From time to time were waste materials used
9 at the Cryovac plant disposed of by spilling
10 them on the ground in the back of the plant?

11 MR. CHEESEMAN: If you know.

12 Q If you know.

13 A I don't know.

14 Q What was the procedure, as you understood it,
15 at the Cryovac plant concerning the disposal
16 of waste at the plant?

17 MR. CHEESEMAN: You're asking now
18 any and all waste?

19 MR. SCHLICHTMANN: Any and all
20 waste.

21 MR. CHEESEMAN: Any and all
22 procedures?

23 MR. SCHLICHTMANN: Any and all
24 procedures.

25 A There was a daily pickup of trash and that

would -- that might include papers and coffee cups, lumber, things of that nature; that was the daily pickup.

Q Any other method for disposing waste at the plant that you were aware of at any time you worked at the plant?

A I believe that some waste were discharged to the sewer.

Q Are you familiar with what was contained in that waste?

A No.

Q Are you aware at any time whether material from the degreaser in the machine shop was disposed of on a few occasions by spreading it on the ground in the area of the back of the plant?

A I'm not aware of that.

Q You're aware of no occasions where materials were spread on the ground, material containing waste materials used at the plant, at any time that you worked for the Cryovac Division?

A I'm aware of the situation of the drums being buried in the backyard.

1
2 Q In a trench?

3 A In a hole.

4 Q But other than that incident, you're not
5 aware of any other times at which waste
6 material was spread on the ground at the back
7 of the plant as a means of disposal of that
8 waste?

9 A I saw an employee spreading some motor oil
10 when he changed the oil in his car. I saw him
11 spread that on the ground.

12 Q Would you agree that it was an improper
13 practice for an employee of the Cryovac
14 plant to have disposed of waste material
15 produced by the plant by spreading it on the
16 ground to the rear of the plant?

17 MR. CHEESEMAN: Objection.

18 MR. FREDERICO: Objection.

19 MR. CHEESEMAN: Go ahead.

20 A I would say no.

21 Q That is not improper?

22 A At the time? Today it would be. Twenty, 25
23 years ago, I don't believe it was considered
24 improper.

25 Q So 20, 25 years ago, you didn't consider it

improper to dispose of waste material by spreading it on the ground to the rear of the plant?

MR. FREDERICO: Objection.

MR. CHEESEMAN: Objection.

A My opinion?

Q In your opinion, sir, it was not improper?

MR. CHEESEMAN: Objection.

MR. FREDERICO: Objection.

A No.

Q Your opinion today is that it would be improper?

MR. FREDERICO: Objection.

MR. CHEESEMAN: Objection.

A Yes.

Q What is the basis of your opinion that it would be improper to do so today?

MR. CHEESEMAN: Objection.

MR. FREDERICO: Objection.

A Rules and regulations governing the disposal of almost anything.

Q Rules and regulations promulgated by who?

A State, federal.

Q Are you aware as to -- in your opinion,

what point did it become improper to dispose of waste material by spreading it on the ground?

MR. CHEESEMAN: Objection.

MR. FREDERICO: Objection.

A I don't know. I can't remember.

Q Are you aware of what the practices or procedures of the Cryovac plant were concerning the disposal of waste in the 1960s?

A I believe so.

Q Was it part of the practice of the Cryovac Division in the 1960s to dispose of waste material by spreading it on the ground to the rear of the plant?

MR. CHEESEMAN: If you know.

A I don't know. I don't know if it was an authorized procedure.

Q Could it have been an unauthorized procedure?

MR. CHEESEMAN: Objection.

MR. FREDERICO: Objection.

A It could have been. I am not -- Somebody could have done it without my seeing it.

Q But as far as you're concerned, that would

not have been improper, or would it have been improper?

MR. FREDERICO: Objection.

MR. CHEESEMAN: Objection.

A I think it would be, in my opinion, would be proper.

Q And that would have applied for the period throughout the 1960s?

MR. CHEESEMAN: Objection.

A I don't know. I don't know how long it would apply.

Q In the 1970s, are you familiar with the practice of the Cryovac Division concerning the disposal of waste material?

A Yes.

Q Was it part of the practice of the Cryovac Division in Woburn to dispose of waste material by spreading it on the ground to the rear of the plant?

A I don't believe so.

Q In your opinion, would that have been an improper practice in the 1970s?

MR. FREDERICO: Objection.

MR. CHEESEMAN: Objection.

1
2 A I would say so.

3 Q It would have been improper in the 1970s?

4 A Yes.

5 Q Why would it be improper?

6 A Against the law.

7 Q So the difference between the 1960s and the
8 1970s as to whether it was proper or not is
9 whether it was against the law or not?

10 MR. CHEESEMAN: Objection.

11 MR. FREDERICO: Objection.

12 A I think that and other factors.

13 Q What other factors?

14 MR. CHEESEMAN: Objection.

15 A Ecological.

16 Q Ecological?

17 A Yes; damage.

18 Q One of the factors that would make it improper
19 is the damage done to the environment by
20 spreading waste to the rear of the plant?

21 MR. CHEESEMAN: Objection.

22 MR. FREDERICO: Objection.

23 Q Is that right?

24 A I would say so.

25 Q Now, on Page 3 of this document,

October 30, 1964, which is identified as Shalline Exhibit 3, it has a summary and recommendations?

A Uh-huh.

Q Do you see that in the document?

A I do.

Q Did you consider that these recommendations, 1 through 6, were constituting proper safety practices as of that time?

MR. CHEESEMAN: Read them all to yourself.

I would object to the question.

MR. FREDERICO: I would also object to the question.

A I would say they were good safety practices.

Q Now, in response to this letter, did you institute any safety practices that were identified in this letter?

A I think Mr. Watkins put out a letter that answered that section.

Q To your knowledge, was this document, which is identified as Shalline 3, ever distributed to employees?

A Not to my knowledge.

1
2 Q In response to this letter, Mr. Watkins
3 issued a notice; is that right?

4 A I believe he did.

5 Q Other than the notice that Mr. Watkins issued,
6 were any other steps, to your knowledge,
7 taken to institute recommendations made in
8 this letter?

9 A None that I know of.

10 Q Going to November 17, 1964, could you identify
11 what that is?

12 A I would say this is a condensation of all the
13 recommendations that the insurance company
14 gave Mr. Watkins.

15 (Notice dated November 17,
16 1964, marked Exhibit
No. 4.)

17 Q Was this a notice that was published to the
18 employees?

19 A I don't know.

20 Q This was the response of Mr. Watkins to that
21 letter from the insurance company?

22 A I believe it was.

23 Q It states in that notice that the plant
24 Safety Committee, when it does not feel fully
25 qualified to decide upon matters requiring a

specialist's analysis, adheres to the practice of having qualified technical consultants work out the particular problem.

To your knowledge, was that the practice of the plant Safety Committee?

A It was in this case.

Q Was it your understanding that the plant Safety Committee, when it did not feel fully qualified to decide a matter of safety which required the expertise of another individual, would you agree that it was the plant Safety Committee's ability, that they had the ability to seek out that expert opinion?

MR. CHEESEMAN: Objection.

A I would say yes.

Q That is true?

A Uh-huh.

Q From time to time did the plant Safety Committee seek out the opinions of experts about matters of safety?

A The committee may not have. The safety supervisor would have.

Q Who is the safety supervisor?

A Probably me.

1
2 Q Did you understand that one of the things you
3 were authorized to do was to seek out
4 opinions from experts on matters concerning
5 safety to which you believed you needed
6 additional information?

7 A I would say so; that is true.

8 Q From time to time did you consult experts
9 concerning matters of safety?

10 A I have.

11 Q What experts have you consulted?

12 A I consulted toxicologists that -- during my
13 time with Dewey & Almy.

14 Q What other experts have you consulted?

15 A None outside the company.

16 Q When you say "the company", which company
17 are you referring to?

18 A W. R. Grace.

19 Q You said you have consulted toxicologists?

20 A Yes.

21 Q When you worked with Dewey & Almy or from
22 Dewey & Almy?

23 A From them.

24 Q You consulted with them when you worked for
25 Cryovac?

1
2 A Yes.

3 Q At what times did you consult these toxicolo-
4 gists at Dewey & Almy?

5 A About two years ago.

6 Q Why did you consult with toxicologists at
7 Dewey & Almy two years ago?

8 MR. CHEESEMAN: Objection. The
9 wells were shut down in 1979. I don't think
10 it is relevant.

11 MR. SCHLICHTMANN: It may be
12 relevant as to what is feasible to be done.

13 MR. CHEESEMAN: Well, I haven't
14 been objecting to --

15 MR. SCHLICHTMANN: You have been
16 very nice.

17 MR. CHEESEMAN: -- or stopping you
18 from conducting this line of inquiry. I
19 have a feeling you're trying a workmen's
20 compensation case here instead of a case
21 that has to do with groundwater contamination.
22 To get into areas now that occurred after
23 1979, that seems awfully remote from the suit
24 to me.

25 MR. SCHLICHTMANN: He did say he

1
2 consulted a toxicologist. I would like to know
3 what it was about. It goes to feasibility.

4 MR. CHEESEMAN: You hardly need
5 testimony on that point.

6 Q Other than consulting toxicologists from
7 Dewey & Almy two years ago, have you ever
8 consulted a toxicologist concerning any
9 matter of safety at the plant?

10 A I can't remember for sure.

11 Q Other than consulting a toxicologist two
12 years ago, have you consulted any other
13 expert at any time while you were at Cryovac
14 plant in Woburn concerning any matters?

15 A I can't remember.

16 Q You can't remember doing that with any
17 expert?

18 A No.

19 Q You said you have consulted experts with
20 W. R. Grace?

21 A That is right.

22 Q What experts have you consulted with W. R.
23 Grace?

24 A Just the toxicologists.

25 Q And that was two years ago?

1
2 A That is right.

3 Q Prior to two years ago, did you ever consult
4 with an expert associated with W. R. Grace
5 concerning any matter?

6 MR. CHEESEMAN: You're talking about
7 any --

8 MR. SCHLICHTMANN: Ever.

9 MR. CHEESEMAN: Concerning any
10 matter?

11 MR. SCHLICHTMANN: Any expert.

12 MR. CHEESEMAN: Construction expert?

13 MR. SCHLICHTMANN: Any expert
14 concerning any matter.

15 MR. CHEESEMAN: I object.

16 MR. SCHLICHTMANN: All right.

17 A I probably did.

18 Q You say you probably did. What expert do you
19 remember consulting?

20 A Might be someone in maintenance concerning
21 the maintenance of the building.

22 Q All right.

23 A Sprinkler system, that type of thing.

24 Q Any other experts you may have consulted?

25 A I don't believe so.

1
2 Q To your knowledge, did W. R. Grace have people
3 trained in various areas of expertise?

4 MR. CHEESEMAN: It is a pretty
5 general question, Jan.

6 MR. SCHLICHTMANN: It was meant to
7 be.

8 MR. CHEESEMAN: One of them is
9 sitting right here (Indication).

10 MR. SCHLICHTMANN: He is a terrific
11 expert.

12 A Yes.

13 Q What areas of expertise?

14 MR. CHEESEMAN: Objection.

15 A Electrical engineers, mechanical engineers,
16 construction, safety, environmental.

17 Q All right. At any time did you ever consult
18 with engineers in W. R. Grace concerning
19 safety?

20 A I can't remember.

21 Q At any time did you ever consult with any
22 engineers concerning environmental engineer-
23 ing?

24 MR. CHEESEMAN: You're talking about
25 engineers outside of the Woburn facility?

1
2 MR. SCHLICHTMANN: With W. R. Grace.
3 He identified them as working for W. R. Grace.
4 I am assuming he is talking about outside the
5 plant.

6 MR. CHEESEMAN: The plant is part
7 of W. R. Grace. I understand you're asking
8 him questions about experts in other parts
9 of W. R. Grace.

10 MR. SCHLICHTMANN: Exactly.

11 Q Let me see if I can get the question: Did
12 you at any time, do you remember consulting
13 with an expert in environmental matters
14 associated with W. R. Grace?

15 A I believe I have.

16 Q On what occasions have you consulted with an
17 expert on environmental matters associated
18 with W. R. Grace?

19 A I think I have questioned them on the use of
20 certain materials.

21 Q What materials?

22 MR. CHEESEMAN: We have a standing
23 objection to questions about specific
24 substances other than the six, I believe,
25 that were found in G & H wells. I will ask

1
2 the witness to confine his answer to
3 incidents that involve chemicals --

4 MR. SCHLICHTMANN: I think I will
5 pose --

6 MR. CHEESEMAN: -- any specific
7 chemicals involved in the complaint, which
8 are: trichloroethylene, tetrachloroethylene,
9 1,1,1-trichloroethane, 1,2-transdichloroethy-
10 lene, benzene and chloroform.

11 MR. SCHLICHTMANN: Our understanding
12 is the complaint is not restricted to those
13 particular chemicals; it is any and all toxic
14 waste that was disposed of by any and all
15 defendants.

16 MR. CHEESEMAN: I will instruct the
17 witness to answer as to the six chemicals.

18 MR. SCHLICHTMANN: This is an issue
19 that has to be resolved. I think what we
20 should do -- Why don't you call over to the --
21 You're objecting and instructing him not to
22 answer?

23 MR. CHEESEMAN: That's right.

24 MR. FREDERICO: Why don't we
25 complete the deposition?

1
2 MR. SCHLICHTMANN: We will complete
3 it. But we will arrange to have an emergency
4 judge hear this. Maybe he will see us at
5 4:00, 4:30.

6 MR. CHEESEMAN: The witness will be
7 available, and will be made available to you
8 at a subsequent time that is convenient.

9 You understand that this is the same
10 issue that was raised in conjunction with the
11 Rule 11 motion. We expect to have a full
12 opportunity to brief this issue. It is not
13 a sort of garden-variety type question that
14 comes up. It is fundamental to the core of
15 the entire lawsuit.

16 MR. SCHLICHTMANN: It is a garden-
17 variety core issue.

18 MR. CHEESEMAN: I think not.

19 MR. SCHLICHTMANN: I think we have
20 a right to resolve it by a judge during the
21 deposition. I don't want to engage in a lot
22 of delaying tactics where the witness is
23 pushed off. I would like to --

24 MR. CHEESEMAN: I want to remind
25 you the question, for example, whether

1
2 you're alleging we are responsible for any
3 benzene contamination in G & H wells is a
4 subject of standing disagreement between us;
5 that you're looking into the question of
6 whether you're pressing the claim or not -
7 and you haven't responded yet, and I agree
8 you don't have to respond on that - but that
9 was part of our discussion over the entire
10 time this lawsuit has been pending of
11 whether you have adequate basis to prosecute
12 a civil action against W. R. Grace and
13 Company for any chemicals which would comply
14 with Judge Skinner's ruling on the Rule 11
15 motion. As you know, I have taken the
16 position that you do not have the basis for
17 prosecuting this action against Grace with
18 respect to benzene, because benzene has
19 never been found in any of its test wells
20 between the Cryovac facility in Woburn and
21 wells G & H. My understanding of Judge
22 Skinner's ruling is you are not entitled to
23 press this action with respect to benzene.

24 That would equally be true of some
25 of the other chemicals, certainly as to any

1
2 and all chemicals that might ever have been
3 used at the Cryovac facility first of all.
4 It is obviously not relevant with respect to
5 chemicals that never have been found in any
6 wells in the ground in the area of wells
7 G & H, the Cryovac facility and even to some
8 of these chemicals if they were not found
9 somewhere in between, you should not pursue
10 it.

11 MR. SCHLICHTMANN: Obviously, we
12 have a dispute on this. I want it resolved.
13 I want to depose this witness. I have other
14 witnesses to depose. You guys have been
15 putting pressure on me for witnesses for
16 you to depose. We have a deadline for
17 discovery. I want the issue resolved. Let's
18 go to the judge.

19 Can he answer the question or not?

20 MR. CHEESEMAN: I am just telling
21 you it is not an issue that can be resolved
22 by an emergency judge while we suspend the
23 deposition for half an hour. It is the
24 subject of an interrogatory objection and
25 the subject of a document objection which

1
2 you had before you in writing for more than
3 two years; and you have not chosen to press
4 it yet in the form of a motion. It is going
5 to be the subject of other discovery
6 objections by the parties in this case. It
7 is something that we insist of having a
8 reasonable period of time, which would be a
9 matter of weeks, for us to brief; and
10 particularly where I have told you that I am
11 prepared to bring this witness back at a later
12 date, at your convenience, if the question
13 should be resolved against us. I don't think
14 it is appropriate to suspend the deposition
15 now to run up and see an emergency judge.

16 I am perfectly happy to consider,
17 when you finish with the part of the
18 deposition we don't object to, to treat it
19 as being suspended rather than terminated
20 for purposes of resolving this issue. But I
21 think it would be wasting everyone's time to
22 go up and try to have it resolved on oral
23 argument in the middle of the deposition.

24 MR. FREDERICO: I agree. The scope
25 of this litigation has been a subject raised

1
2 before both Judge Skinner and Magistrate
3 Cohen. I think it is a matter that should
4 only be resolved by one of the two of them
5 rather than spring it on an emergency judge
6 who is unfamiliar with the case. It is going
7 to be an issue that affects Beatrice, and we
8 would also have an interest in briefing the
9 issue.

10 MR. SCHLICHTMANN: Whatever you
11 people want to do, I have my rights. We will
12 continue the deposition and I will call up
13 the emergency judge to see if we can get a
14 hearing before him. I want the issue resolved.

15 MR. FREDERICO: We would suggest to
16 the emergency judge it be decided by someone
17 who is familiar with the case.

18 MR. SCHLICHTMANN: Off the record.

19 (Discussion off the record)

20 MR. CHEESEMAN: As to the pending
21 question, I will permit the witness to answer
22 as to any incidents that he recalls or is
23 aware of that may have involved one of the
24 six chemicals I listed.

25 Q The question is this: Have you ever

1
2 consulted with an expert with W. R. Grace
3 concerning any environmental matters?

4 MR. CHEESEMAN: That is not quite
5 the question you asked before. But for the
6 sake of consistency, I will state the same
7 objection and will permit him to answer as to
8 any environmental matters he is familiar with
9 that involve any of those six chemicals or
10 might have involved any of those six
11 chemicals.

12 Q Let me ask you this: Have you ever consulted
13 with an expert for W. R. Grace concerning
14 environmental matters regarding chemicals
15 used at the Cryovac plant in Woburn?

16 MR. CHEESEMAN: I will object on
17 the same basis, but I will permit him to
18 answer as to any such incident that he is
19 aware of that involved any of these six.

20 MR. SCHLICHTMANN: You're telling
21 me the witness is refusing to answer whether
22 he consulted with an expert as to any
23 chemicals, whether he ever consulted any
24 expert concerning chemicals - not what the
25 chemicals are but whether he ever consulted

1
2 anyone concerning --

3 MR. CHEESEMAN: I am stating the
4 same objection and restricting his answer in
5 that fashion.

6 MR. SCHLICHTMANN: The witness is
7 refusing to answer whether he consulted with
8 experts at W. R. Grace concerning environ-
9 mental matters and chemicals used at the
10 Woburn plant?

11 MR. CHEESEMAN: You have asked a
12 question. I have stated my objection and
13 instruction to the witness.

14 Q Have you ever consulted an expert with W. R.
15 Grace concerning the use of trichloroethylene
16 at the Woburn plant?

17 A I don't believe so.

18 Q Have you ever consulted an expert on the use
19 of any other chemical at the Woburn plant?

20 MR. CHEESEMAN: I will state the
21 same objection and we also instruct the
22 witness not to answer except as I will
23 permit him to answer with respect to any
24 incidents that he is familiar with that may
25 involve one of the six chemicals.

1
2 Q It states in this notice, Shalline Exhibit 4,
3 third paragraph, that the use of trichloro-
4 ethylene in manufacturing plants which use
5 such standard, normal precautions as we do is
6 approved by Underwriters Laboratories.

7 Are you familiar with the Under-
8 writers Laboratories?

9 A I know of them.

10 Q Is that statement true?

11 A I don't know if it is or not.

12 Q Was it true in 1964 to your knowledge?

13 A I don't know.

14 Q Have you ever had any contact or received
15 material from Underwriters Laboratories
16 concerning the use of trichloroethylene?

17 A No.

18 Q Have you ever received material or obtained
19 information from Underwriters Laboratories
20 concerning any chemical?

21 A No.

22 Q It states in this notice: Just don't drink
23 it or deliberately breathe it heavily for
24 long periods of time, or subject it directly
25 to an intense flame; and avoid prolonged

1
2 contact with the skin (Use rubber gloves).

3 Also, avoid getting it in your eyes; but if
4 you should, wash your eyes freely with clean,
5 cold water immediately.

6 Did you agree with those statements
7 at that time?

8 A I would agree with it.

9 Q It states at the bottom: Everyone should feel
10 very free to raise sensible questions regard-
11 ing safety practices. If we don't have the
12 answers, we will be sure to get them from
13 certified authorities.

14 Is that a proper statement of the
15 Safety Committee's policy?

16 A I would say that is true.

17 Q What does certified authorities mean to you?

18 A I don't know.

19 Q Would that mean experts in various fields of
20 concern to the Safety Committee?

21 MR. CHEESMAN: You're asking him
22 what Mr. Watkins meant when he wrote that
23 notice?

24 MR. SCHLICHTMANN: What he understood
25 that sentence to mean at the time.

MR. CHEESEMAN: If you have any understanding.

A If we don't have the answers, we would get them from someone who felt qualified to give the answers.

Q At any time did you consult an expert from any source as to what safe waste disposal practices should be in the disposal of waste which may contain chemicals used at the plant?

MR. CHEESEMAN: I will state the same objection as I did before, and the same limiting instruction to the witness.

A Would you repeat that question?

Q Okay. Did you at any time consult an expert from whatever source concerning what would constitute safe waste disposal practices of waste which may contain chemicals used at the plant?

MR. CHEESEMAN: I would object and give the same limiting instruction as I did before.

A I would say yes.

Q You have?

1
2 A Yes.

3 Q And who did you consult and when did you
4 consult him?

5 MR. CHEESEMAN: So the witness under-
6 stands, I am instructing him to answer only as
7 to such instances which involve or may have
8 involved any of the six chemicals that I listed
9 earlier.

10 A My answer would be no.

11 Q No as to the chemicals which Mr. Cheeseman
12 has listed, but yes as to other chemicals?

13 A Yes.

14 Q What other chemicals did you consult experts
15 concerning?

16 MR. CHEESEMAN: I object and
17 instruct the witness not to answer.

18 Q As part of your duties in the 1960s, did you
19 issue purchase orders for chemicals used at
20 the plant?

21 A I believe so.

22 MR. SCHLICHTMANN: And you provided
23 me purchase orders, Bill?

24 MR. CHEESEMAN: I probably have the
25 bottom of the pile. I saw them over in your

1
2 stack.

3 MR. SCHLICHTMANN: Are you --

4 MR. CHEESEMAN: Let me make a
5 suggestion. I think some of your interroga-
6 tories and written document requests provide
7 an appropriate general vehicle to test the
8 question of whether discovery should be
9 limited to what I call the complaint chemicals,
10 and if you choose to bring a motion to compel
11 further answers to some of those
12 interrogatories, for example, as a vehicle
13 for testing, our objection -- we will comply
14 with whatever ruling the Court makes on that
15 point, not only with respect to the
16 particular interrogatories that are the subject
17 of the motion but also with respect to any
18 other discovery that raises the same issue,
19 including the questions you placed to the
20 witness at this deposition.

21 MR. SCHLICHTMANN: Well, I
22 appreciate it.

23 MR. CHEESEMAN: But that may be a
24 preferable --

25 MR. SCHLICHTMANN: My preference

1
2 is -- The issue has come up. The issue has
3 come at us during the deposition. I think
4 this is the appropriate time to answer it.

5 MR. CHEESEMAN: You had our
6 objection for two years without moving. I
7 think it is unfair to bring it up now. You
8 can hardly claim surprise.

9 MR. SCHLICHTMANN: I am not
10 surprised. This is the issue where it will
11 be resolved over. I fully expect during the
12 deposition it will be resolved.

13 MR. CHEESEMAN: It is your feeling
14 it is appropriate to pull an emergency judge
15 away from his or her duties to hear it now,
16 rather than having presented it sometime in
17 the last two years or sometime in the next
18 few months to Judge Skinner whose case this
19 is?

20 MR. SCHLICHTMANN: I think --

21 MR. FREDERICO: Let's go off the
22 record.

23 (Discussion off the record)

24 MR. CHEESEMAN: If you choose to
25 press this motion before an emergency judge

1
2 under these circumstances, I will ask for
3 attorney fees from you if your motion is
4 denied. I think it is outrageous to keep us
5 all hanging around for something like that
6 under these circumstances.

7 MR. SCHLICHTMANN: I will continue
8 with the deposition. You have indicated the
9 witness will refuse to answer in certain
10 areas of examination. I wish to complete the
11 deposition of this witness before I go on to
12 other witnesses. I intend to file this
13 afternoon any motion with Judge Skinner
14 asking him to compel the witness to answer
15 those questions in that line of examination.
16 I will have it filed this afternoon, and it
17 will be up to Judge Skinner to deal with this
18 particular motion as to what he thinks is
19 most appropriate.

20 (Discussion off the record)

21 Q Are you aware of any purchase orders for
22 chemicals which are presently in existence
23 regarding the purchasing of chemicals in the
24 1960s by the Cryovac plant?

25 MR. CHEESEMAN: Yes or no.

1
2 A I don't think I understand the question.

3 Q Are you aware of whether any purchase orders
4 exist concerning the purchase of chemicals by
5 the Cryovac plant in the 1960s?

6 A No.

7 Q Are you aware of whether those were destroyed
8 or not?

9 A No, I'm not.

10 Q Do you have any knowledge at one time such
11 purchase orders existed?

12 A I have seen copies. My attorney has shown me
13 a copy of the purchase orders.

14 Q Of the copies of the purchase orders you have
15 seen, have you ever seen any purchase orders
16 for chemicals purchased in the 1960s by the
17 Cryovac Division?

18 A I believe the ones you showed me is in the
19 '60s.

20 MR. SCHLICHTMANN: Do you have that
21 with you?

22 MR. CHEESEMAN: I think you have
23 that before you. It was included in the
24 package of materials we produced.

25 MR. SCHLICHTMANN: I don't think we

1
2 had any for the '60s.

3 MR. CHEESEMAN: I'm not paying
4 attention to the date right now; I'm sorry.

5 MR. SCHLICHTMANN: I have purchase
6 orders for the '70s.

7 MR. CHEESEMAN: I am confusing the
8 ones from the '70s.

9 THE WITNESS: I am assuming it is
10 the one in the '70s. I am not aware of any
11 in the '60s.

12 Q You're not aware of any purchase orders in
13 existence concerning the purchase of chemicals
14 in the '60s?

15 A No.

16 Q Were chemicals, to your knowledge, purchased
17 by the Cryovac plant in Woburn during the
18 1960s?

19 A I would say they were.

20 Q Are you aware of any documents which
21 presently exist concerning the purchase of
22 chemicals at the Cryovac plant in Woburn in
23 the '60s?

24 A No.

25 Q Are you aware of any documents that now

1
2 exist concerning the use of chemicals at the
3 Cryovac plant in the 1960s other than the
4 documents which your attorney has provided me?

5 MR. SCHLICHTMANN: Bill, I assume he
6 is familiar with those?

7 MR. CHEESEMAN: We reviewed those
8 with the witness.

9 Before you answer, the documents that
10 we produced for you were produced in
11 accordance with the same limiting objection
12 that we have been talking about. Your question
13 is now referring him generally?

14 MR. SCHLICHTMANN: Right.

15 MR. CHEESEMAN: So I guess to be
16 consistent, I will object to the question to
17 the extent it does not conform to the
18 limiting instruction I have given the witness.

19 If you were to ask the witness if he
20 is aware of any documents, other than those
21 which have been produced here which relate to
22 the six chemicals I listed, I would permit
23 him to answer that generally. For present
24 purposes, I will object to your question and
25 instruct him to answer as if it had been

asked only with respect to the six chemicals.

MR. SCHLICHTMANN: We will have the documents marked. It is the stipulation of Mr. Cheeseman that the documents we will have marked are all the documents which are presently, which presently exist at W. R. Grace, Cryovac Division, that he is aware of concerning the use of chemicals at the Cryovac plant for any time period concerning those chemicals which you listed.

MR. CHEESEMAN: And up to 1979.

MR. SCHLICHTMANN: May of 1979?

MR. CHEESEMAN: I think we just said through May of '79; I've forgotten. We would have to look at the documents response we submitted and the interrogatories that were submitted to define it exactly.

But we do state objections there which, and again working from memory, involved limiting the response to what I call the complaint chemicals and to the time period up to the closing of wells G & H.

MR. SCHLICHTMANN: Okay.

MR. CHEESEMAN: And documents

1
2 we produced to you previously were all such
3 documents that were at that time in the
4 possession, custody or control of W. R. Grace
5 and Company relating to those chemicals at
6 the Cryovac facility in Woburn.

7 MR. SCHLICHTMANN: Okay.

8 MR. CHEESEMAN: Based upon our
9 diligent and good faith search for documents,
10 including South Carolina, I think that is all
11 there are.

12 Q Are you aware of whether there are in
13 existence other documents, other than the
14 ones that have been produced to us, which
15 relate to the use of chemicals at the Cryovac
16 plant from the period 1960 to 1979?

17 MR. CHEESEMAN: You're asking as to
18 any --

19 MR. SCHLICHTMANN: Any documents.

20 MR. CHEESEMAN: I object.

21 MR. SCHLICHTMANN: I am asking as to
22 the existence of documents. I think I have a
23 right.

24 MR. CHEESEMAN: It is a simple
25 question. You know there are other documents.

MR. SCHLICHTMANN: I want him to say
so.

MR. CHEESEMAN: Without waiving the
objection, give him a yes or no.

A I don't know if there are other documents
available.

Q You're not aware of any?

A No.

MR. SCHLICHTMANN: Let's mark this
Exhibit 5.

(Letter dated March 22,
1967, marked Exhibit
No. 5.)

Q Are you familiar with this document marked
Shalline 5?

A I have seen it before.

Q What is it?

A It is a letter from Vin Forte to Mr. Taylor
answering an inquiry about pollution.

Q Do you know what that inquiry is about?

A No. I would say it is probably -- I would say
it was related to the sewer.

Q What was the problem related to the sewer?

A The --

MR. CHEESEMAN: If there was a

1
2 problem.

3 Q You described it as a problem relating to the
4 sewer. Was there a problem relating to the
5 sewer?

6 A I think he is just stating that the material
7 is neutralized before it is disposed of.

8 Q Had there been a problem of disposal of acids
9 and chemicals into the sewer prior to 1967?

10 A Not to my knowledge.

11 Q Are you aware of any problems related to the
12 sewer and disposal of chemicals?

13 A I am aware of one problem.

14 Q What is that problem?

15 A The ph of the water going down the drain is
16 regulated by the MDC. We had to adhere to
17 that regulation.

18 Q Had there been any problem with the ph level
19 in the water going down the drain?

20 A Yes.

21 Q Do you remember on what occasions?

22 A We had an alkaline cleaner used. When that
23 was used, the alkaline was above their set
24 point.

25 Q When was this?

1
2 A The last year or two.

3 Q The last year or two?

4 A Uh-huh.

5 Q This letter is relating to 1967. There wasn't
6 any problem you were aware of then?

7 A Not in that time.

8 Q It states in the first sentence: We don't
9 have any pollution control problems in the
10 Woburn plant.

11 As of 1967, did you agree with that
12 statement to your knowledge?

13 A It is my understanding we didn't have any.

14 Q It states: We will so advise the pollution
15 control officer when appointed by Bill
16 Baird.

17 Did Mr. Baird appoint a pollution
18 control officer to your knowledge?

19 A I don't know if he did or not.

20 Q To your knowledge, is a pollution control
21 officer at the Cryovac plant in Woburn?

22 A I was appointed pollution control officer
23 at Cryovac in Woburn.

24 Q When were you appointed pollution control
25 officer at that plant?

1
2 A I don't remember.

3 Q Other than you, has anyone else ever been
4 appointed pollution control officer?

5 A I don't believe so.

6 Q What were your duties as pollution control
7 officer?

8 A I would oversee disposal and discharge to the
9 drains, be sure that we weren't polluting the
10 air, and anything else related to that field.

11 Q Do you remember when you were appointed
12 pollution control officer at the Cryovac
13 plant in Woburn, approximately?

14 A Not exactly.

15 Q Was it in the 1960s?

16 A It might be.

17 Q To your knowledge, did anyone hold that
18 position prior to your becoming pollution
19 control officer?

20 A Not at Woburn.

21 Q Now, as pollution control officer, did you
22 receive any special training?

23 A No.

24 Q Is your responsibility as pollution control
25 officer to deal with all aspects of pollution

1
2 at the plant in Woburn?

3 A I would say so.

4 Q And that would be pollution of the air?

5 A Yes.

6 Q Pollution of the sewer?

7 A Yes.

8 Q Pollution of the ground?

9 A Yes.

10 Q Did you ever attend any seminars or meetings
11 at which you received information concerning
12 how to control pollution at the Woburn plant?

13 A I don't believe so.

14 Q Did you consider you had any qualifications
15 to assume the duties of pollution control
16 officer at the Woburn plant at the time you
17 assumed your position?

18 MR. CHEESEMAN: Objection. Go
19 ahead.

20 A I couldn't -- I don't know what qualifications
21 you would have to have at the time to be
22 qualified.

23 Q You are not aware of what qualifications a
24 pollution control officer would have to have
25 to execute the responsibilities of pollution

control officer?

A No.

Q Have you received any training in the law concerning Cryovac Division plant's responsibilities concerning preventing pollution?

A I would say yes.

Q Where did you receive that training?

A The Belmont meeting was one. I am not positive of the others.

Q You're not aware of any others?

A There may have been. I can't remember exactly.

Q What is your best memory?

A I would say there were others. I can't pinpoint them for you.

Q When you say others, you mean other times you received training?

A Attended meetings on waste.

Q Did any of these meetings ever take place in the 1960s to your knowledge?

A I don't know.

Q Did any of these meetings take place in the 1970s to your knowledge?

1
2 A I don't know.

3 Q Did any of these meetings take place in the
4 1980s, other than the one you previously
5 referred to as taking place in Belmont
6 conducted by W. R. Grace in 1982?

7 A There were others. I can't remember exactly
8 when they were.

9 Q You say there were others?

10 A Uh-huh.

11 Q Other meetings?

12 A Other meetings where it was discussed.

13 Q Where were these meetings held, do you know?

14 A I would say it would have been in South
15 Carolina.

16 Q In South Carolina?

17 A Yes.

18 Q Are these meetings separate and apart from
19 the meetings you testified to, the
20 approximately ten meetings that took place
21 for two days or so?

22 A I would say they are the same.

23 Q They're the same?

24 A Part of.

25 Q You can't remember which meeting you attended

in South Carolina which dealt with pollution?

A No, I can't.

Q Can you remember what was discussed at any of these meetings?

A Not exactly.

Q Did you ever receive any material at these meetings concerning pollution control?

A I believe I did.

Q Did any of these materials have to do with preventing pollution of the ground?

A I don't believe so.

Q Did any of these materials have to do with preventing pollution of the air?

A I don't believe so.

Q Did any of these materials have to do with dealing with pollution of the sewer system?

A I don't believe so.

Q What did these materials deal with?

A I think it was proper handling.

Q Of materials?

A And disposal through authorized disposal contractors.

Q So you did receive materials as to proper practices for the disposal of materials?

1
2 A Right.

3 Q And would these concern the disposal of
4 materials containing chemicals or toxic
5 substances?

6 A Yes.

7 Q What was your understanding as to the proper
8 procedure for the disposal of waste containing
9 toxic chemicals or toxic substances?

10 MR. CHEESEMAM: That is far too
11 broad to be answered under these circumstances.
12 I think you will have to try to narrow the
13 question.

14 Q Did you understand the question?

15 A I would answer that by following the
16 procedures.

17 Q When you say follow the procedures, what
18 procedures?

19 A The rules and regulations.

20 Q The rules and regulations of what?

21 A Of the disposal contractor, the proper
22 labeling, the proper storage, the proper
23 identification.

24 Q Are you saying the disposal contractor?

25 A Yes.

1
2 Q You're saying there are certain procedures
3 that the disposal contractor would issue
4 concerning the handling and disposal of
5 chemicals?

6 A Before he would pick it up.

7 Q Did you ever receive such procedures from the
8 disposal contractor?

9 A Yes, I have.

10 Q Did you receive those in 1960?

11 A No.

12 Q Did you receive those -- I'm sorry; I meant
13 to ask about the 1960s.

14 A I don't believe so.

15 Q Did you receive them in the 1970s?

16 A I believe I did.

17 Q When did you receive them from the disposal
18 contractor in the 1970s?

19 A I can't remember the date.

20 Q Do you have an idea whether it was the
21 beginning of the '70s, the mid '70s, the
22 end of the '70s?

23 A I would say in the middle.

24 Q Was it after the burial of materials in 1974
25 or was it before the burial of materials in

1974?

A I would say after.

Q Do you remember how long after?

A No.

Q Was it before the closing of the wells in May of 1979 or after the closing of the wells in May of 1979?

A I can't remember.

Q Could it have been after?

MR. CHEESEMAN: Objection.

A I can't -- I don't know.

Q As pollution control officer in the 1960s at the Cryovac plant in Woburn, was it your opinion in the 1960s that there was no pollution control problem at the plant?

A I believe so.

Q As pollution control officer in the 1970s, was it your opinion that there was no pollution control problem at the Woburn plant?

A I would say so.

Q As pollution control officer after the wells were closed down in May of 1979, was it your opinion that there was no pollution control problem at the Woburn plant?

MR. CHEESEMAN: Objection.

A I would say that is true.

Q There was no problem?

A Yes.

Q As pollution control officer when the EPA mandated the digging up of the trench or the hole where the drums were deposited in 1974, was it your opinion that there was a pollution control problem at the Woburn plant?

MR. CHEESEMAN: I object. I am not sure it is fair to say that the EPA mandated it since Grace proposed it, or I should say since Cryovac proposed to do it.

MR. SCHLICHTMANN: I will change the question so you like it. I don't want to argue over those things.

Q As pollution control officer, was it your opinion that there was not a pollution control problem at the Woburn plant at the time W. R. Grace excavated the hole where the drums had been deposited in May -- in 1974, and that excavation took place in 1984?

MR. CHEESEMAN: Objection.

Q Or 1983.

MR. CHEESEMAN: I will still object.

Q Was it your opinion as pollution control officer at that time in 1983, which is when the drums were excavated from the hole, that there was no pollution control problem at the Woburn plant?

A That is true; no problem.

Q Are you still pollution control officer at the Woburn plant?

A Yes.

Q Do you consider now there is a pollution control problem at the Woburn plant?

A I don't consider there is a problem.

Q Shalline Exhibit 5 refers to D. H. Taylor. Who is D. H. Taylor?

A He was plant manager at the time.

Q And Vincent Forte's position at that time in 1967?

A I would say Vin's position was probably production manager. I really don't know exactly.

Q Who was Bill Baird?

A Bill Baird was an engineer in South Carolina.

Q What was his responsibility?

1
2 A I don't know how it would be related to this
3 memorandum. I believe he was electrical
4 engineer and had transferred down there. I
5 couldn't answer that.

6 Q Well, Bill Baird was an electrical engineer?

7 A Yes.

8 Q Did you ever contact Mr. Baird?

9 A He has been retired for many years.

10 Q During the time he was working did you have
11 contact with him?

12 A No.

13 Q From time to time, as pollution control
14 officer, did you have contact with any
15 engineers who worked for the Cryovac
16 Division?

17 A Yes, I would.

18 Q What kind of engineers?

19 A I don't know what they, what kind they were.
20 But they're responsible for pollution
21 programs at all plants.

22 Q Do you know what kind of engineers they
23 were?

24 A No idea.

25 Q Had you ever dealt with them?

1
2 A I talked with them on the phone.

3 Q Why would you talk to them on the phone,
4 concerning what kind of information?

5 A If I had a question on something that I
6 couldn't answer myself.

7 Q Concerning pollution?

8 A No.

9 Q As pollution control officer in the 1960s at
10 the Cryovac plant, did you ever issue or make
11 known to the people working at the plant that
12 it was not a proper practice to dispose of
13 waste material containing chemicals by
14 disposing them in the back of the plant in
15 the ground?

16 A I can't remember.

17 Q Did you ever communicate to any individual
18 or any group at the Cryovac plant that
19 disposing of waste material containing
20 chemicals in the rear of the plant was not a
21 proper practice?

22 A I would say I have done that.

23 Q When have you done that?

24 A I can't remember.

25 Q Did you ever do it in the '60s?

1
2 A I can't remember that.

3 Q You could have?

4 MR. CHEESEMAN: Objection.

5 A I would say so.

6 Q But you weren't aware of any particular
7 instances where someone was disposing of
8 waste material containing chemicals in the
9 rear of the plant?

10 A No.

11 Q Did you at any time communicate to any
12 individual or any group at the Cryovac plant
13 in the 1970s that it is improper practice to
14 dispose of waste material containing
15 chemicals by disposing of them into the rear
16 of the plant?

17 A I believe I did.

18 Q When did you do that?

19 A I can't remember.

20 Q Did you do it on one occasion or more than
21 one occasion?

22 A I would say more than one occasion.

23 Q Do you remember how many occasions?

24 A No.

25 Q What do you remember about these occasions?

1
2 A I would advise them that nothing was to be
3 disposed of in the backyard.

4 Q Who did you tell this to?

5 A I believe I told it to the maintenance man.

6 Q Had he disposed of anything in particular in
7 the backyard, the maintenance man?

8 A I don't know if he did or not.

9 Q You do remember talking to him, but you can't
10 remember about what or when?

11 MR. CHEESEMAN: Objection.

12 A I remember talking to him.

13 Q Other than the maintenance man, do you
14 remember talking to anyone else about
15 disposing of waste material containing
16 chemicals in the rear of the plant?

17 A No.

18 (Memorandum dated May 20,
19 1974, three pages,
marked Exhibit No. 6.)

20 MR. SCHLICHTMANN: Do you have three
21 pages to that exhibit?

22 MR. CHEESEMAN: Yes.

23 MR. SCHLICHTMANN: For the record,
24 what has been marked Exhibit 6 is dated
25 May 20, 1974.

1
2 Q What is this?

3 A What is it?

4 Q Yes.

5 A Something that Mr. Gunnard wrote.

6 Q Who is Mr. Gunnard?

7 A He was the production manager.

8 Q Mr. Gunnard wrote this memo to you; is that
9 right?

10 A That is right.

11 Q What was your understanding as to why he wrote
12 this memo?

13 A I had not done the project.

14 Q What project are you referring to?

15 A He wanted a list of all the flammables used.

16 Q Did you understand why he wanted a list of
17 all the flammables?

18 A I can't say that I did.

19 Q Mr. Gunnard had asked you to make a list of
20 all flammables used at the plant?

21 A Yes.

22 Q Is that because you kept a list of all the
23 flammables at the plant?

24 A No.

25 Q In what capacity did he ask you to make a list

1
2 of the flammables? What was your job
3 responsibility that he asked you to make a
4 list of all the flammables?

5 A I don't know.

6 Q Do you know what is contained under those
7 blacked-out portions in the middle of the
8 first page?

9 MR. CHEESEMAN: Answer yes or no.

10 A No.

11 Q On the unblacked-out portion it states:
12 Trichloroethylene is disposed of as promised
13 last year.

14 What does that refer to?

15 MR. CHEESEMAN: You're asking what
16 his understanding was?

17 Q What is your understanding as to what that
18 refers to?

19 A I think that we discontinued the use of
20 trichloroethylene, and even though we
21 discontinued it we had not physically moved
22 it out of the building.

23 Q When did you discontinue use of
24 trichloroethylene?

25 A I don't know. From this, looks like '73.

1
2 Q You believe you stopped using trichloroethy-
3 lene in 1973?

4 MR. CHEESEMAN: If you know.

5 A I don't know.

6 Q What is your understanding as to why you
7 discontinued the use of trichloroethylene?

8 A I think we received information from South
9 Carolina that it was not to be used.

10 Q What was the information that you received
11 from South Carolina that it was not to be
12 used?

13 A I think we have a document.

14 Q That is one of the documents produced by your
15 attorney?

16 A Yes.

17 Q And that you reviewed?

18 A Yes.

19 Q It states here: Trichloroethylene was -- is
20 disposed of as promised last year.

21 Was that a promise you made
22 concerning the disposal of trichloroethylene
23 to Mr. Gunnard?

24 A I believe so.

25 Q Did you promise Mr. Gunnard you would dispose

1
2 of the trichloroethylene?

3 A I believe so.

4 Q What form was the trichloroethylene?

5 A It was in a drum.

6 Q What did the drum contain?

7 A Trichloroethylene.

8 Q Was that the only thing in the drum?

9 A Yes.

10 Q Was it an unopened drum of trichloroethylene?

11 A No.

12 Q It was an open drum of trichloroethylene?

13 A Yes.

14 Q Was it the original drum the trichloroethylene
15 came in?

16 A Yes.

17 Q Had the drum been partially used?

18 A Yes.

19 Q Do you remember approximately how much
20 trichloroethylene was left in the drum?

21 A No, I don't.

22 Q You don't know if it was half full or three-
23 quarters full?

24 A No idea.

25 Q Other than that one drum of trichloroethylene,

1
2 was there any other drum containing
3 trichloroethylene?

4 A Not to my knowledge.

5 MR. CHEESEMAN: At that point in
6 time?

7 MR. SCHLICHTMANN: At that point in
8 time.

9 Q Your promise regarding the disposal of the
10 trichloroethylene made to Mr. Gunnard
11 approximately a year before this memo, which
12 is Shalline Exhibit 6, was to dispose of one
13 drum partially filled with trichloroethylene?

14 A I believe it was either to dispose of or
15 discontinue the use; I forget how it was
16 worded.

17 Q He said, "disposed of as promised." Was it
18 your understanding you had promised to dispose
19 of it?

20 A I told him it would be no longer used. I
21 didn't know how to dispose of it.

22 Q Were you in charge of the disposal of that
23 drum?

24 A I would have been.

25 Q But you didn't know how to dispose of it?

1
2 A No.

3 Q Were you given any instructions from anyone as
4 to how to dispose of it?

5 A No.

6 Q Did Mr. Gunnard explain to you how you should
7 dispose of it?

8 A No.

9 Q Were you left to your own devices as to how
10 to dispose of it?

11 A I didn't do anything about it.

12 Q But you were left to figure out how to
13 dispose of it?

14 A Yes.

15 Q Did you have it carted away?

16 A No.

17 Q Did you call a waste disposal company to come
18 and take it away?

19 A I don't believe so.

20 Q Had you ever contracted with a waste disposal
21 company to haul away toxic waste produced by
22 the Cryovac plant during the time that you
23 were associated with the Cryovac plant?

24 A During this period?

25 Q During this period.

1

2

A No.

3

Q During any period?

4

A I have them now.

5

Q When did you start using them?

6

A I would say four years ago.

7

Q Four years ago?

8

A I believe so.

9

Q Prior to that you didn't use them?

10

A Not that I remember.

11

Q Did you, in fact, dispose of this trichloro-
ethylene referred to in this memorandum dated
May 20, 1974?

13

14

A No.

15

Q You never did?

16

A I didn't.

17

Q Did someone else?

18

A I don't know.

19

Q To your knowledge, was it disposed of?

20

A I believe it was.

21

Q Do you know who disposed of it?

22

A No, I don't.

23

Q Do you know when it was disposed of?

24

A Not positive.

25

Q He states in the memorandum: I assigned this

project to you ten months and 26 reminders ago. It took you no longer than -- It took no longer than two and one-half hours to complete. Why couldn't you handle it?

What is he referring to there, what project?

MR. CHEESEMAN: You're asking for his understanding?

Q What was your understanding as to the project he was referring to?

A A list of the flammables in the plant.

Q Is it your understanding as part of the project you were to determine how to dispose of toxic waste at the plant?

A I believe so.

Q That was also part of the project?

A I think that is other than obtaining the list of flammables.

Q You were also to devise a program of disposing of toxic waste at the plant?

A No.

Q You were not to devise a program?

A No.

Q So the only project referred to is making

1
2 a list of the flammables?

3 A I believe so.

4 Q Did you ever reply to Mr. Gunnard's memo
5 concerning the disposal of that drum of
6 trichloroethylene?

7 A Not that I can remember.

8 Q At some point did you ever participate in a
9 disposal of waste material to the rear of the
10 plant?

11 A No.

12 Q Do you have any knowledge concerning the
13 disposal of waste material to the rear of the
14 plant?

15 A I am aware of the pit.

16 Q What pit are you referring to?

17 A Where they excavated the drums two years ago.

18 Q In 1983, the pit was excavated?

19 A Yeah.

20 Q What is your best recollection concerning how
21 material was disposed of in that pit?

22 MR. CHEESEMAN: First of all, are
23 you asking him what he observed personally?

24 MR. SCHLICHTMANN: What he knows
25 about it, what his knowledge is.

1
2 MR. CHEESEMAN: You're asking for
3 hearsay as well.

4 MR. SCHLICHTMANN: Whatever his
5 knowledge is.

6 MR. CHEESEMAN: You may answer.

7 A The pit was there. I don't know exactly why.
8 Somebody came up to me and asked if they could
9 dump the paint sludge in the pit. I said you
10 could as long as you left it open so that it
11 could all dry. I believe they took whatever
12 drums they had there and dumped it into the
13 pit.

14 Q When was this?

15 A The same time they had the plant expansion,
16 which was about -- I can't remember the date
17 exactly.

18 Q Do you remember what year it was?

19 A I think when they put the last expansion on
20 the building.

21 Q What year would you say that was?

22 A '79.

23 Q Well, looking at this memo dated 1974, do you
24 know how long it was in relationship to this
25 memo?

1
2 MR. CHEESEMAN: This memo does not
3 necessarily have anything to do with it.

4 MR. SCHLICHTMANN: That is true. I
5 am asking if that helps his memory.

6 MR. CHEESEMAN: Why don't you ask
7 him if this memo has anything to do with the
8 incident in question? I object to your tying
9 the pit incident in with this memo, unless you
10 lay some foundation.

11 A The pit was tied in with the last expansion,
12 which I think was '79.

13 Q Was there an expansion in 1979?

14 A I am guessing at the date. I don't remember
15 the date.

16 MR. CHEESEMAN: I think we gave the
17 answer in interrogatories.

18 Q To your knowledge, how long had the pit been
19 there before this individual came and asked
20 if he could dispose of sludge there?

21 A I have no idea.

22 Q Could it have been there a long time?

23 A I never saw it. I don't know. I don't know
24 when it was put in there.

25 Q You don't know how long the pit had been out

there prior to the person asking if he could
dump sludge in there?

A No, I don't.

Q Do you know how the pit got there?

A No, I don't.

Q Do you know what happened to the pit?

A No.

Q Well, did you ever see the pit?

A I never did.

Q You never saw it before?

A No.

Q Did you ever see it afterward, after it was
covered over?

A No, I didn't.

Q Did you ever go to the rear of the property
at any time?

A I didn't know where it was. When they did
the excavation, I had no idea where it was.

Q Did you consider it one of your responsibilities as pollution control officer to be
aware of the disposal of waste generated by
the plant?

A Yes.

Q Did you consider paint sludge to be waste

material which you were responsible for disposing?

A Yes.

Q Had you at any time issued any regulations or made known to people what the procedures were concerning the disposal of waste, of paint sludge?

A Not in writing.

Q Did you ever tell them orally?

A I can't remember.

Q You can't remember an occasion where you told someone orally what they're suppose to do with paint sludge?

MR. CHEESEMAN: You mean other than this one conversation?

MR. SCHLICHTMANN: Other than this one conversation.

A I think we just accumulated it in drums.

Q Do you ever remember disposing of paint sludge in any other manner other than dumping in the pit?

A No.

MR. SCHLICHTMANN: Let's go off the record.

(Discussion off the record)

(Whereupon the deposition
was suspended at 4:00.)

C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS)
) ss.
COUNTY OF NORFOLK)

I, Valerie T. Wong, Notary Public
within and for the Commonwealth of Massachusetts,
do hereby certify:

That PAUL SHALLINE, the witness
whose deposition is hereinbefore set forth, was duly
sworn by me and that such deposition is a true
record of the testimony given.

I further certify that I am not
related to any of the parties to this action by
blood or marriage, and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand and affixed my seal of office this
9th day of March, 1985.


NOTARY PUBLIC

My Commission Expires:
November 5, 1987.